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International law, German Submarines and American Policy

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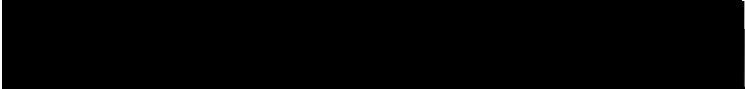
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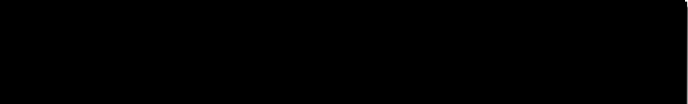
AN ABSTRACT OF THE THESIS OF Janet Marilyn Manson for the Master of Arts in History presented July 29, 1977.

Title: International Law, German Submarines and American Policy

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:


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This thesis is a survey of the available material on the submarine issue during 1914-1917 as a factor in German-American relations which contributed to the American declaration of war in April 1917. No other scholarly work is devoted solely to the submarine issue during this period. The purpose of this thesis is to focus on the submarine as an international legal issue. German-American relations were strained during 1914-1917, because of the different interpretations of international law regarding the submarine. And this thesis was written in order to test the existing historical interpretations of the submarine issue as a focal point of German-American

relations.

The first chapter establishes the problem of the different interpretations of international law on the part of English, American and German scholars and the advent of the submarine. The submarine challenged the traditional interpretation of law which stipulated that war vessels must observe cruiser rules of warfare when dealing with merchantmen. German naval authorities argued that the survival of the state and military necessity required unrestricted U-boat warfare. They insisted that submarines were unable to observe cruiser rules because of changed circumstances—that the vessels were not built to comply with the law. Hence the Germans maintained that submarines should be exempt from traditional legal strictures.

In the succeeding chapters, the American and German positions on submarine warfare are examined. The United States did not accept the German interpretation of the law and insisted that Americans had the right to travel in safety on the high seas. The Wilson Administration began protesting submarine warfare in 1915. The United States warned Germany that, if American lives or property were destroyed on the high seas by German naval officials, she would hold Germany to "strict accountability", and would take necessary steps to safeguard American interests. In response, the German Foreign Office concluded that the decree was a mistake and ought to be rescinded. The Foreign Office predicted that a U. S. declaration of war would be disastrous because of American economic power. The war would be prolonged indefinitely and other neutrals might also enter the war against Germany. It was impossible to withdraw the decree because of the enthu-

siasm of the German public for U-boat warfare, and because the naval authorities insisted that the campaign was necessary.

The Wilson Administration followed a policy of protesting the major incidents involving Americans. The Lusitania was the first incident and the American Government demanded that Germany disavow it and pay indemnities for damages. The United States also insisted that precautions must be taken to prevent future incidents. This policy was continued during the Arabic and Sussex crises and the United States threatened to break diplomatic relations unless Germany met those demands.

During 1915-1916, the German Chancellor won acceptance of his American policies which were to prevent a rupture in diplomatic relations which he believed would lead to war. Thus Germany satisfied American demands, especially by issuing the Arabic and Sussex pledges which guaranteed that submarines would observe cruiser rules. The situation changed rapidly in August 1916 when Chief of the General Staff Falkenhayn was replaced by Hindenburg and Ludendorff, who became virtual dictators by the fall of 1916 and began to demand the use of unrestricted U-boat warfare in December. By this time, the Chancellor had lost most of the support for his policies. He could no longer depend on the Reichstag for support and all of the major naval and military authorities endorsed unlimited U-boat warfare. Consequently, Bethmann Hollweg withdrew his opposition to the campaign in January 1917, knowing that it would cause an American declaration of war.

The United States, in keeping with the traditional interpretation, immediately broke relations and declared war only after it was

apparent that Germany intended to prosecute unrestricted submarine war on the grounds of necessity and contrary to the traditional interpretation of law.

INTERNATIONAL LAW, GERMAN SUBMARINES
AND AMERICAN POLICY

by
JANET MARILYN MANSON


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TO THE OFFICE OF GRADUATE STUDIES AND RESEARCH:

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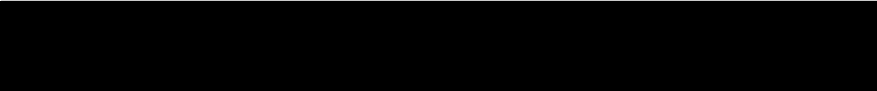

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* Reduced and adjusted from a chart used by Thomas A. Bailey and Paul B. Ryan, The Lusitania Disaster (New York: The Free Press, 1975), endpaper.

CHAPTER I

THE BASIS OF CONFLICT

Differing interpretations of international law formed the basis of conflict for England, Germany and the United States during the First World War. Although England and the United States shared a common historical and legal heritage, their national interests varied because of the war and, therefore, they disagreed over England's rights and duties as a belligerent. The most critical dispute for the United States was her dispute with Germany over the use of the submarine, because this difference of opinion culminated in war in April 1917. World War I provided a turning point for international law for the entire twentieth century because the belligerents expanded the usage of the laws of war in an unprecedented manner and, in the process, the very basis of law itself was questioned.

International maritime law prior to the war consisted of international treaties and agreements as well as customary law which comprises generally accepted legal principles, case law, and policy statements by governmental officials for any given nation. War usually alters legal custom because practices are often reinterpreted to suit given circumstances. The major powers were aware of this fact and sought to deal with it through discussions of legal principles. In 1913, a distinguished body of legal scholars known as the Institute of International Law convened a meeting of its members in Oxford,

England in order to adopt a manual of the laws of war to be implemented by the major powers in the event of war. In addition, the major powers discussed whether or not the unratified 1909 Declaration of London ought to be adopted. The Declaration had not been ratified primarily because of British opposition. The House of Lords had refused to accept it, although the Admiralty recommended it.¹ The United States and Germany were among those nations which sought the approval of the Declaration. In a speech before the Reichstag on April 28, 1914, Dr. Johannes Kriege, the Chief of the Legal Department at the German Foreign Office, reiterated Germany's desire that the Declaration be ratified.²

Shortly after the war began, the United States contacted both Germany and Britain and requested that they accept the Declaration of London. Germany replied that she would do so, if Britain would. Britain insisted that she would follow the Declaration with "certain modifications." The United States found this unacceptable.³ The United States objected to articles 3, 5, and 6 of the August 20, 1914 Order in Council which comprised British modifications of the Declaration of London. Article 3 provided for the capture of conditional contraband on the presumption of hostile destination and it may have been "inferred from any sufficient evidence" and shall have been presumed "if the goods are consigned to or for an agent of the enemy state or to or for a merchant or other person under the control of the authorities of the enemy state." Article 5 extended this principle, for it provided for the seizure of conditional contraband on the basis of presumed enemy destination regardless of the port of destination.

Article 6 stated that the Declaration of London should be interpreted by all prize courts in light of the August 22 Order in Council.⁴ Although the British refused to observe the Declaration of London in its entirety, it served as the basis for British blockade measures, and neutral as well as German protests of British measures were phrased in terms of the Declaration. Since it was recognized, in part, by the major powers during World War I until July 1916 when the Entente Powers abandoned it,⁵ the Declaration was the only comprehensive international agreement on maritime laws of war to gain general acceptance. As such, it can be considered an important part of international customary law.

At this time, Germany and England differed in their approach to the interpretation of international law. England based the defense of her war measures on legal precedent, while Germany insisted that the existing laws simply did not apply to her war measures because of military necessity, changed circumstances, and the survival of the state. These concepts were used by Germany to justify unrestricted submarine warfare as well as other military tactics. This chapter attempts to outline the legal issues which provided the context for German submarine warfare. The issues are extremely complex and involve a discussion of the legal concepts of military necessity, vital interests, armed merchantmen, cruiser rules of warfare, reprisals, blockades, continuous voyage, war zones, and changed circumstances.

I. VITAL INTERESTS AND MILITARY NECESSITY AS A RATIONALE FOR REPRISALS

Both Germany and Britain justified reprisals, such as war zones,

in terms of vital interests. On November 3, 1914, Britain declared the North Sea to be a mined military area as a reprisal because of the German practice of mining the open seas. In response, Germany issued the February 4, 1915 war zone declaration which proclaimed the area around the British Isles to be a war zone. All vessels entering the designated area would be subject to attack without warning. The war zone decree was to be enforced by submarines.

Since Britain had justified the November 3 declaration in terms of vital interests, Germany also justified her war zone announcement because of vital interests. The concept of vital interests seems to combine the legal concepts of military necessity and self preservation. Vital interests and military necessity became the primary rationale for reprisals during World War I; the difficulty is that the limits of the use of force is then left to the discretion of the belligerent, who is not going to give due consideration to the rights of neutrals when reprisals are deemed necessary for the survival of the state. Many pre-World War I German writers were heavily criticized by English and American authors for their ideas of Kriegsräson or military necessity. The German saying "Kriegsräson geht vor Kriegsmanier," or "necessity in war overrules the manner of warfare,"⁶ was seen as contributing to an immorality which threatened to undermine the laws of war. Oppenheim explains that this usage preceded the laws of war and that it served its purpose in that context, but that since the advent of law, the concept of Kriegsräson simply must be discarded in order to preserve the science of international law.⁷ In an address to the American Society of International Law of April 27, 1921, the President

of the Society, Elihu Root, passionately called for the abandonment of the idea of Kriegsräson, intimating that human society would collapse unless this were accomplished.

...Either the doctrine of kriegsraison must be abandoned definitely and finally, or there is an end of international law, and in its place will be left a world without law, in which alliances of some nations to the extent of their power enforce their ideals of suitable conduct upon other nations.⁸

Anglo-American writers emphasized that military necessity must be tempered by a vigorous concern for humanity and vehemently argued that the use of violence must be limited, that morality must play a vital, if implicit, role in the restraint of war. Morris Greenspan, in The Modern Law of Land Warfare, says that international law has rejected the German concept of Kriegsräson as antithetical to law.⁹ Thus one writer, William V. O'Brien, states that military necessity is limited by natural law. "Military necessity and permissible violence are limited, not only by the laws of war, but also by the more general but no less important commands of natural law."¹⁰ Although not all German writers, as Oppenheim observes,¹¹ accepted the doctrine of Kriegsräson, this concept had an enormous impact on the conduct of the war and the interpretation of law by German governmental authorities who embarked on a policy of commercial submarine warfare justified by military necessity.

II. MILITARY NECESSITY AND CHANGED CIRCUMSTANCES

Many international legal scholars believe that the whole fabric of international law was shaken to its foundations by World War I, and

that the German interpretation of law really threatened the conception of the laws of war as understood at that time. War, in general, is seen as a process which necessarily forces change in law, but World War I was cataclysmic because of the amount of change wrought on society by technology and new weapons. The whole basis of obligation, of the sanctity of treaties was challenged. The advent of war itself occurred when Germany invaded Belgium in 1914 and justified it in terms of military necessity and rebus sic stantibus or changed circumstances. Like military necessity, rebus sic stantibus is seen by many authors as a multifaceted concept of international law which readily lends itself to abuse. While the norm, pacta sunt servanda, the concept that treaties ought to be observed, lies at the very heart of international law, it has generally been conceded that treaties may be terminated when circumstances change. Some authors insist that inherent in the treaty obligation is the notion that the treaty may be broken should conditions change so drastically that the original reasons for concluding the treaty cease to exist.¹² While these legal principles have developed and have been modified over several centuries, as Hans Wehberg illustrates, some of the modern German writers have attempted to reconcile Georg Hegel's theory of the will of the state as the source of law with the principle of pacta sunt servanda. Both Hans Wehberg and J. L. Brierly indicate that Hegel's ideas on the subject served to undermine the principle of the sanctity of contracts, because of the notion that contracts remained valid only if they contributed to the welfare of the state.¹³ Heinrich Triepel, a follower of Hegel, attempted to place pacta sunt servanda within the doctrine

of the will of the state; he thought that the contract should be based on the "common will" of the contracting parties. Georg Jellinek, another successor of Hegel, stated that treaties could be disregarded when circumstances change, but only when the highest interests of the state were affected.¹⁴ Using this rationale, Fleischmann defended the sinking of the Lusitania by arguing that the Prussian-American Treaty of 1828 was no longer binding.¹⁵ According to Jesse Reeves, the validity of the treaty was never questioned prior to World War I; at that time, however, German authors began to argue that it was no longer applicable because of rebus sic stantibus. Reeves concludes that the treaty was no longer valid because the interests of the German state, phrased in terms of necessity, have taken precedence over law.¹⁶

III. CRUISER RULES OF WARFARE AND CHANGED CIRCUMSTANCES

During the war, Germany used rebus sic stantibus as the justification for unrestricted submarine warfare. Germany argued that the submarine was a new weapon which was unable to comply with laws of warfare because of its structure. Indeed the whole question of the effect of technology on warfare became the subject of a heated debate which has lasted until the present day. Although the submarine was accepted as a legitimate weapon of war, controversy arose over the question of lawful use of the weapon. Many authors assumed that it was classified as a war vessel and as such should only engage in combat with other war vessels, and was otherwise governed by cruiser rules of warfare. Certainly the first submarines employed in World War I conducted themselves in this manner and the British Admiralty assumed that they

would continue to do so. The February 1915 war zone decree, however, indicated that enemy merchant vessels would be subject to attack without warning by submarines. This constituted a departure from international law prescribed for war vessels in 1915. According to law, men-of-war were required to give merchantmen notice of their character, and, if the warship suspected that the merchantmen were carrying contraband, to board them and inspect the ship's papers. If the merchant vessels were carrying contraband, the war vessel had two alternatives: she could either put a prize crew on board and convey such vessels to a port where the case could be adjudicated through the prize courts, or, if this was not possible, she could remove the ship's crew, passengers and papers to a place of safety and then tow the vessel out to sea and sink her. Either way, a prize court would eventually adjudicate the case and decide whether or not the actions taken were justified. Men-of-war could only fire on merchantmen if first attacked by such vessels; they could never initiate an attack. Furthermore, neutral merchant vessels were required to grant the right of visit and search. Belligerent merchantmen might evade or resist this request if possible.

The submarine was not constructed to comply with these rules. The vessels were necessarily small and built with a very fragile hull. Consequently these vessels could only accommodate their own crews and were not able to carry either passengers or a prize crew. If passengers and crew were set out in life boats on the high seas, many of these would capsize and cause many deaths. The high seas were not, as many scholars have noted, a place of safety. Since most mer-

chant vessels were armed by 1914 and many used neutral flags illegally, the submarine risked destruction if she surfaced and requested the right of visit and search.¹⁷ Submarine commanders argued that it was virtually impossible to identify a vessel while submerged,¹⁸ and that if the vessel surfaced she might face rifle fire which might pierce her hull or periscope, or the merchantman might attempt to ram her. Furthermore, submarines operated at a much lower speed than most surface vessels, because of their size and structure; and merchant vessels could simply escape if warned. The submarine was designed to attack without warning while submerged and then to escape as quickly as possible, and she was most effective only when used in this manner according to naval authorities. To do battle when surfaced meant almost certain death for the submarine and her crew. German admirals argued that the safety of the crew and the U-boat ought to come first when considering methods of battle.¹⁹

It was for these reasons that many legal scholars insisted that the submarine ought never to be used against commercial vessels--she was only equipped to deal with other war vessels. Also these arguments were used in discussions on the abolition of the submarine. The main point in favor of abolition was that the weapon simply could not be used in accordance with law, since errors were inevitable. Scholars of all persuasions noted that there were no legal provisions that made allowances for the structural difference of the submarine. Its special needs simply could not be accounted for according to the traditional rules of law.²⁰ The German Admiralty insisted that the submarine must be used as a commerce destroyer, because of military necessity; and

because of the nature of the craft, this meant attack without warning. Of course Britain and the United States insisted on the traditional interpretation of law, as do many contemporary writers.²¹

The influence of technology on warfare, accommodated by concepts of total war and military necessity were an integral part of World War I. These phenomena added to the problems of international laws governing warfare. The effect of new weapons was to reduce to an abstract haze the previous distinction between combatant and non-combatant, as two classes of people, often making it impossible to tell them apart. Thanks to modern weapons, as the use of the submarine and aerial bombing illustrate, greater numbers of individuals were instantaneously killed. Thus technology had increased the scale of war so that it was possible to talk of mass war. The ideas of total war were first introduced in the nineteenth century. And one of its most famous proponents, Karl von Clausewitz, was very influential, particularly in Germany. Clausewitz advocated that war be an integrated social process which would affect the entire nation. He maintained that war is an instrument of policy and, as such, political and military goals must be fused.²² Although many of the German leaders rejected portions of Clausewitz' theories, what they did not reject was the theory that war should be an all pervasive policy that affects the entire nation. General Erich von Ludendorff shared the supreme command with Field Marshal Paul von Hindenburg as of August 1916, although Hindenburg was merely a figurehead. Ludendorff, who became a virtual dictator by the fall of 1916 and who was instrumental in affecting the final decision for unrestricted submarine warfare,

was influenced by Clausewitz' theories and had written a book entitled Total War. He rejected Clausewitz' premise that civilian statesmen ought to be involved in policy-making during the war. Ludendorff believed that a nation in time of war should be ruled by the military and that the general should make all policy decisions. He felt that the people would not fight unless their existence was threatened and that total war must only be waged when this occurs; thus he made the following conclusion: "All theories [sic] of Clausewitz have to be thrown overboard. War and politics serve the survival of the people, but war is the highest expression of the racial will to life."²³ Clausewitz' theories of total war which elevated the necessities of war over all considerations of law or morality are seen by some writers as contributing to a breakdown in law and morality.²⁴

IV. BRITAIN AND ARMED MERCHANTMEN— A DEFINITION OF THE PROBLEM

The use of armed merchantmen dates back to the days of privateering and has generally been accepted by Anglo-American legal scholars as a legitimate naval tactic. The custom fell into disuse because of the development of regular naval forces and was abolished by the 1856 Declaration of Paris. Before the advent of World War I, the First Lord of the Admiralty, Winston S. Churchill, told the House of Commons that Britain intended to arm merchant vessels in the event of war. Churchill made several public statements to this effect and thus informed the Germans of British intent. Some German scholars voiced their objections to the use of armed merchantmen at a formal meeting of the Institute of International Law in Oxford, England in 1913. This formal

challenge on the part of German scholars to the use of armed merchantmen was the first time this practice had ever been questioned.

Since virtually all European powers anticipated war before 1914, it is not surprising that the British Admiralty discussed the possibility and issued statements on the use of armed merchant vessels. In 1913, the Admiralty said that British merchant vessels would be armed in the event of war.²⁵ On June 10, 1913, some members of the House of Commons questioned Winston Churchill on the status of armed merchant vessels, and Churchill stated that of these there were two classes. The first class consisted of merchant vessels which were to be commissioned and outfitted by the Admiralty and absorbed thus into the navy as men-of-war. The Lusitania and Mauretania would belong to this class. The more controversial second class was comprised of "...merchant vessels, which would (unless specially taken up by the Admiralty for any purpose) remain merchant vessels in war, without any change of status, but have been equipped by their owners, with Admiralty assistance, with a defensive armament in order to exercise their right of beating off attack."²⁶ Member of Parliament Cooper questioned Churchill on the second class of vessels, pointing out that placing guns on merchant vessels presented certain dangers unless the Admiralty took precautions to ensure that armaments be used only under "justifiable conditions." Churchill responded that the Admiralty had anticipated the dangers of these measures.²⁷

The use of armed merchant vessels was under discussion by the British before the war, but the submarine was still considered an experimental weapon. Despite official statements by the German Admir-

alty that its use as a commerce destroyer was never considered before the war,²⁸ Rear Admiral Arno Spindler revealed in La Guerre Sous-Marine that Lieutenant Commander Blum submitted a plan to blockade the British Isles with 222 submarines. Spindler went on to say that this plan was lost after the war. And he said that the possibility of a commercial U-boat campaign was discussed among the officers of submarines before the war.²⁹

Indeed the British Admiralty considered unthinkable the use of the submarine by Germany as a commerce destroyer. In late 1913, Admiral of the Fleet Sir John Fisher drafted a memorandum predicting that Germany would use submarines against unarmed British merchant vessels. Churchill submitted this memo to the Lords of the Admiralty for their perusal. Both Churchill and the First Sea Lord, Admiral Prince Louis of Battenberg, felt that Germany would not destroy merchant vessels without providing for the rescue of the crews. Churchill found the suggestion "...abhorrent to the immemorial law and practice of the sea."³⁰ In a letter to Lord Fisher on January 1, 1914, Churchill further elaborated his opinion of the memo:

'There are a few points on which I am not convinced. Of these the greatest is the question of the use of submarines to sink merchant vessels. I do not believe this would ever be done by a civilised Power.' I proceeded to compare such outrages with the spreading of pestilence and the assassination of individuals.³¹

The intricacies of international law regarding the use of armed merchant vessels, in particular defensively armed merchant vessels, became a central issue in the submarine controversy primarily because of the difficulty in distinguishing the character of merchant

vessels. Defensively armed merchant vessels are those which only carry sufficient arms to defend themselves in case of attack: no offensive action is permitted under international law.² One of the problems was the difficulty in discerning the difference between offensive and defensive action. Areas of controversy were such issues as, whether or not a vessel must wait to be attacked in order to defend herself or, whether there is any way of determining the intent of a "hostile" vessel to attack before the attack takes place. Unfortunately these questions had to be left to the individual captains once they found themselves in precarious situations on the high seas. Courts of law determined the legality of actions after the fact in individual case decisions.

V. BRITISH USE OF PRECEDENT FOR ARMED MERCHANTMEN

On the whole, English and American legal scholars accepted the use of defensive armament as a matter of custom dating back to the days of privateering. Privateering was, however, abolished by the Declaration of Paris of 1856, which was signed by a number of states including Great Britain and Prussia. Dr. Alexander P. Higgins, Adviser in International Law and Prize Law in the Department of the Procurator-General and Treasury Solicitor for the British Government, maintained that merchant vessels were still allowed to carry defensive armament but, as he pointed out, that the practice had been modified by the Declaration of Paris (1856) and the Sixth Hague Convention of 1907: vessels were no longer provided with armaments by private individuals (as in privateering), but rather the state provided arms at

its own expense and with the cooperation of the owners of the vessels.³³ According to H. Lauterpacht, in Oppenheim's International Law, most legal scholars recognized the legality of defensively armed merchant vessels, but that this practice was "fraught with danger in as much as it threatens to undermine the abolition of privateering by the Declaration of Paris of 1856 between commissioned and non-commissioned vessels."³⁴

Since the United States of America never signed the Declaration of Paris she was not bound by it. James Brown Scott, Special Adviser to the U. S. State Department and Chairman of the Joint State and Neutrality Board, 1914-17, insisted that she could therefore engage in privateering if she so desired.³⁵ However, President William McKinley disavowed privateering and announced that the United States would adhere to the Declaration of Paris by virtue of the Proclamation of April 26, 1898, issued during the Spanish-American War.³⁶ Nevertheless Chief Justice Marshall's opinion in the case of The Nereide (1815) is considered crucial to the American position. This controversial case is usually cited as proof that merchant vessels may rightfully arm and may resist attack.³⁷ Certainly it formed the basis of State Department policy regarding the problem of armed merchant vessels vis-à-vis submarines in 1916. Often the fact that Chief Justice Marshall's decision was carefully drafted to conform to the particulars of the case is overlooked.³⁸ The Nereide was an armed belligerent merchant ship (British) chartered by Manuel Pinto, a native of Buenos Ayres and therefore a neutral, in London on August 26, 1813. The vessel was hired to transport neutral goods to Buenos Ayres

in convoy; she became separated from the convoy and was subsequently captured, after resistance, by an American privateer, The Governor Tompkins, which conveyed The Nereide into New York harbor and presented the case to the Circuit Court of New York. After part of the cargo was condemned by the lower courts, the case was then appealed to the Supreme Court which reversed the decision. The case is often compared and referred to British prize cases involving armed merchant vessels, in particular the 1804 The Catherine Elizabeth.³⁹ Chief Justice Marshall referred to this case in his decision in The Nereide. The Catherine Elizabeth was a French belligerent vessel chartered by a French master to carry American (neutral) goods. Sir William Scott ruled that the goods could be recovered by their American owners.⁴⁰

The case of The Catherine Elizabeth...approaches more nearly to that of The Nereide, because in that case, as in this, there were neutral goods and a belligerent vessel. It was certainly a case not of resistance, but of an attempt by a part of the crew to seize the capturing vessel. Between such an attempt and an attempt to take the same vessel previous to capture, there does seem to be a total dissimilitude. But it is the reasoning of the judge, and not his decision of which the claimants would avail themselves. He distinguishes between the effect which the employment of force by a belligerent owner or by a neutral owner would have on neutral goods. The first is lawful, the last unlawful. The belligerent owner violates no duty. He is held by force, and may escape if he can.⁴¹

In his opinion, Marshall stressed the idea that the owner of the goods ought not to be affected by the actions of the owner of the vessel, who is entitled to arm his vessel and resist attack, and, furthermore, that the goods ought not to be condemned because of the actions of the owners of the vessel. Although Marshall's decision was contingent on the fact that The Nereide was a belligerent armed

merchant vessel and therefore had the right to resist attack and that the master of the vessel, Manuel Pinto, was a neutral and took no part in that resistance, he made some rather sweeping statements about belligerent merchant vessels.

It is difficult to perceive, in this argument, any thing which does not also apply to an unarmed vessel. In both instances, it is the right and duty of the carrier to avoid capture and to prevent a search. There is no difference, except in the degree of capacity to carry this duty into effect. The argument would operate against the rule which permits the neutral merchant to employ a belligerent vessel without imparting to his goods a belligerent character.

The argument respecting resistance stands on the same ground with that which respects arming. Both are lawful. Neither of these is chargeable to the goods, or to their owner where he has taken no part in it. They are incidents to the character of the vessel; and may always occur where the carrier is belligerent.⁴²

This decision was confirmed in the 1818 case of The Atalanta, a case involving substantially the same issues as The Nereide, and the court decided the case on that basis.⁴³

The decision of The Nereide was contrary to the British interpretation of prize law. Justice Story, the only member of the court to dissent in the case of The Nereide, upheld the British view. British prize law insisted on the right to visit and search neutral vessels, while denying the right of convoy of neutral men-of-war.⁴⁴ Justice Story cited the British cases of The Maria (1799) and The Elseble (1804). Both of these cases involved neutral Swedish vessels sailing under Swedish convoy and their cargoes were condemned because they refused visit and search. In the case of The Elseble, Sir William Scott ruled that the owners of the merchant vessels and their cargoes approved of the resistance of the Swedish man-of-war

because the convoy was arranged prior to the voyage and was presumably arranged with the knowledge and consent of the owners.⁴⁵ There is, however, a 1783 marine insurance case, Saloucci v. Johnson, in which the Court of King's Bench reversed the decision of a Spanish Vice Admiralty Court which had condemned the neutral Tuscan ship Thetis because she had resisted visit and search by force.⁴⁶ Nevertheless, the decision of The Nereide clearly contradicted the 1814 case of The Fanny, in which Sir William Scott condemned neutral Portuguese property carried on board an armed vessel on the rationale that placing the cargo on board an armed vessel amounted to resistance to visit and search.⁴⁷

These cases formed the basis of the British and American positions on armed merchant vessels. While both supported the notion that merchant vessels could arm, it is important to establish the fact that these positions varied radically in custom and in precedent prior to World War I. The American case law provided more freedom to refuse visit and search. In the case of The Nereide, Chief Justice Marshall ruled that belligerent merchantmen had the right to carry arms and to resist visit and search and that these actions did not affect the cargoes or their owners. British case precedent held that neutral vessels must grant visit and search and that convoying or arming neutral vessels amounted to resistance. Nevertheless the British began to cite American precedents to justify arming merchantmen. Dr. Alexander Higgins used American precedents to justify the use of armed merchantmen in his article entitled "Armed Merchant Ships."⁴⁸ By furnishing arms through the Admiralty to merchantmen, the British

expanded the use of armed merchant vessels. Formerly, merchantmen were provided with arms by private interests, or, if they were armed by the government, they were absorbed into the regular naval forces. What the British Admiralty proposed to do was to arm merchantmen, yet allow them to retain their non-military status. The cost of arming the vessels was to be paid in part by the British Government and in part by the shipping companies, such as the Cunard Company.

VI. GERMANS QUESTION THE USE OF ARMED MERCHANTMEN

The German precedents and opinions of legal scholars on the complex issue of armed merchant vessels are very different from the Anglo-American experience. During the 1870 Franco-Prussian War, Prussia announced that she was going to outfit her merchant fleet. France complained to England that this was a violation of the Declaration of Paris.⁴⁹ The British examined the complaint and found that the Prussian practice did not violate the First Article of the Declaration.⁵⁰ However, Germany did not have a large merchant fleet prior to World War I and several German legal scholars vigorously denounced the British intention to arm merchant vessels. James Wilford Garner, in International Law and the World War, says that the practice of arming merchant vessels was never questioned until 1913, when Churchill announced that Britain would arm merchantmen.⁵¹ Shortly thereafter Heinrich Triepel, Professor of International Law at the University of Berlin, vigorously objected to this proposal in Oxford at the 1913 meeting of the Institute of International Law. Professor Triepel objected to articles proposed for adoption in the manual of the In-

stitute.⁵² Triepel demanded the suppression of paragraph 3 of article 13. He argued that a merchant vessel ought not to have the right of self-defense, even if attacked illegally. Furthermore, Professor Triepel insisted that if merchant vessels were allowed the possibility of using force against the attack of an enemy vessel, the legitimacy of resistance to seizure, which constitutes an attack, must be admitted.⁵³ The article was accepted as proposed by a majority of the Institute over the objections of Professor Triepel.⁵⁴ Some of the most vocal German advocates of the right of defensive armament were present at these discussions. Certainly Professor Theodore Niemeyer and others opposed Triepel's ideas.⁵⁵

Professor Triepel elaborated his ideas on the subject in an article entitled "Der Widerstand feindlicher Handelsschiffe gegen die Aufbringung." Although Professor Triepel admitted that the majority of international legal scholars accepted the right of merchant vessels to resist capture, and that the bulk of legal custom supported this right,⁵⁶ he challenged this right.⁵⁷ According to Triepel, who was associated with the German Admiralty, the opinions of legal scholars or the court decisions of one or two states does not constitute international law.⁵⁸ L. Oppenheim, Professor of International Law at the University of Cambridge and one of the foremost authorities on international law, was singled out for criticism in most of Triepel's essay and English and American case law was cited as the basis for the right of self-defense of merchantmen. Triepel argued that states which developed as sea powers relatively late, such as Germany and Japan, ought not to be bound by English and Amer-

ican precedent.⁵⁹ For Professor Triepel, the basis of international law is not law but power. He maintained that international law is considered law only among states, that the right and power of the state is supreme. The merchant vessel as such is not a subject for international law. The rights of the merchant vessel are "decided by the State into whose power it falls!"⁶⁰

Dr. Georg Schramm, counselor of the German Imperial Navy Department, shared Triepel's view that a merchantman had no right to resist capture as indicated in his essay entitled "Das Prisenrecht in seiner neuesten Gestalt" (Berlin, 1913). To allow merchant vessels, whether neutral or belligerent, the right of self-defense would diminish the rights of belligerents. As his rationale, Dr. Schramm used the analogy between the use of force according to the laws of land warfare as opposed to the laws of sea warfare. Because merchantmen are not war vessels, nor are their crews considered combatants, they should not be allowed to use arms. American and English practice, which confers the status of combatants on the crews of merchantmen when a warship is encountered, is described by Dr. Schramm as a misapplication of the legal principle that only permits the use of arms by combatants whether on land or on sea.⁶¹ Furthermore, crews of captured merchant vessels that have attacked war vessels are not to be treated as prisoners of war and are liable to prosecution under the penal code for Kriegsverbrechen.⁶²

The eminent scholar, Dr. Hans Wehberg, published a book entitled Das Seekriegsrecht (1915). In it he criticized Dr. Schramm's opinion that a vessel has no right to defend itself against attack and

that the crews of captured merchantmen ought to be treated as franc-tireurs.⁶³

"The doctrine that 'armed resistance' is only allowed to organized troops is, in the general view, as false as the assertion that war is only a legal relation between states and excludes the peaceful population. The enemy merchant ship has then the right of defense against enemy attack, and this right it can exercise against visit; for this is indeed the first act of capture." He also adds that "no single example can be produced from international precedents in which states have held resistance as not being lawful."⁶⁴

In his analysis of the German position, James Wilford Garner makes the following judgment about the ideas expressed by Professors Triepel and Schramm.

The attempt of these two German professors, both of whom were connected with the German Admiralty and who expressed its opinions rather than those held at the time by the majority of German jurists, was to argue away the long and hitherto universally recognized right of merchant vessels to defend themselves against attack...⁶⁵

Professor Jonkheer W. J. M. von Eysinga, Leiden University, who is characterized by Garner as one of the three important scholars who opposed the right of self-defense before the war,⁶⁶ presented a paper entitled "Les Navires de Commerce Armés" to the International Law Association at the Hague in September, 1914. British Admiralty policy, as indicated by Churchill's statements in the House of Commons concerning the status of armed merchant ships, was criticized by Professor von Eysinga. In addition, Professor Oppenheim's response to Dr. Schramm's "Prisenrecht in seiner neuesten Gestalt" was considered inadequate. The announcement of the British Admiralty of its intention to arm merchant vessels would produce ill effects, because these vessels would

not restrict their activities to self-defense. Moreover, this policy was reminiscent of privateering, which had been abolished because there was no longer any need for it.

Since then the development of maritime law has excluded arbitrary procedure more and more. The power of arresting merchantmen, in particular now belongs only to men-of-war, since privateering has been abolished.⁶⁷

Mr. Garner observes that neither Professor von Eysinga nor Dr. Schramm "distinguish between the rights of neutral and enemy merchant ships when approached by belligerent warships."⁶⁸ The purpose of Professor von Eysinga's position was, presumably, to reserve all belligerent rights for men-of-war. Certainly he indicated that when he said: "It is difficult to predict what is to be the development of the obscure legal category ships."⁶⁹ Apparently this category would include all unarmed merchantmen, whether neutral or belligerent. In order to eliminate the legal difficulties created by armed merchant vessels, he advocated that the institution of armed merchantmen be abolished.

Although a number of German legal scholars took positions opposing defensively armed merchantmen after the war, it is important to emphasize that not all German scholars held this opinion, either before or after the war. Among those scholars who denied the right of defensive armament were Franz von Liszt, in Das Völkerrecht (12 ed. 1925), and Josef Kunz, in Kriegsrecht und Neutralitätsrecht (1935). Liszt recounted the official opinion of the German government at the outbreak of the war: that there was no difference between offensive and defensive armament, and that an armed merchantman maintained a

warlike character which was illegal. Also he opposed the right of self-defense.⁷⁰ Kunz felt that, if defensive armament were used, it would be used for offensive purposes, contrary to the 1856 Declaration of Paris, and, furthermore, that it was essential for laws of naval warfare to define belligerent and neutral status for ships, because of the different classes of auxiliary war vessels and merchant vessels.⁷¹

VII. BLOCKADE, CONTINUOUS VOYAGE AND CONTRABAND

During the war both Germany and Britain enacted measures which have been loosely termed "blockades." The German war zone decree of February 4, 1915 has been described as being such although it did not conform to any of the laws governing blockade. Britain issued several proclamations during the war designed to cut off all trade with Germany. Although these measures did not follow the laws of blockade, the British policy nevertheless was described as such. The 1856 Declaration of Paris stipulated that a blockade must be effective in order to be binding, which means that access to the enemy coast, or part of it, must be blocked by men-of-war in order to prevent all enemy commerce.⁷² Neither belligerent ever utilized this measure during the war simply because they never had sufficient forces to do so.

The British had formed contingency plans for a war with Germany in 1912 and these plans were activated when the war began. According to this plan, British objectives were to wage economic warfare on Germany by depriving her of all sea-going trade and to seize all con-

traband destined for the enemy. In addition, Germany was to be denied the use of British banks and insurance.⁷³ The Order in Council of August 20, 1914 announced a contraband list and indicated that the doctrine of continuous voyage would be applied to absolute and conditional contraband. Although a blockade was not announced, it was presumed to be in effect.

The existence of a blockade shall be presumed to be known:--

- (a) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade.
- (b) to all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.⁷⁴

Throughout the war Britain issued more lists expanding the definitions of absolute and conditional contraband, used the doctrine of continuous voyage in a broader sense than it had been used previously, and used war zones consisting of mined military areas, rather than enforce a blockade in the traditional sense. While international law did not precisely define what absolute or conditional contraband was, most scholars define absolute contraband as those things which are necessary to maintain war, and conditional contraband as those things which may be used in either war or peace. Absolute contraband can be captured and condemned when destined for a belligerent country or an area under belligerent occupation, whereas conditional contraband may be condemned only if destined for a belligerent government or armed forces.⁷⁵

The unratified 1909 Declaration of London, which was based on the same principles as the Declaration of Paris, did contain elabor-

ate lists of contraband. When the war began, the United States made inquiries as to whether the belligerents would observe the Declaration of London. Germany replied that she would, if the other belligerents agreed to observe it as well. Britain indicated that she would accept it with certain modifications.⁷⁶ Those modifications were to expand the lists of contraband beyond those described in the Declaration of London, which did allow for changes in the lists,⁷⁷ and to declare conditional contraband subject to the doctrine of continuous voyage. The Declaration of Paris stipulated that neutral goods with the exception of contraband were not liable to seizure whether carried under a neutral or enemy flag. Britain circumvented this rule through reinterpretation of the American Civil War practice known as the doctrine of continuous voyage, which allowed capture and seizure of absolute contraband on the presumption of hostile destination. The American cases most frequently used by the British to justify their practices were the 1866 cases of The Springbok and The Peterhoff. The majority of British and continental legal scholars did not accept American practice at the time,⁷⁸ and a number of scholars have noted the irony of British use of these American precedents.⁷⁹ American Civil War practice assumed that the ultimate destination of contraband was an enemy port; therefore, the vessel could be seized at any point during her voyage despite the fact that she visited several different ports. Hostile destination could be determined by the nature of the goods and the ship's papers. The British expanded this American practice so that it applied to both absolute and conditional contraband and the British captured vast amounts of goods on the pre-

sumption of hostile destination. Continuous voyage as interpreted by the American courts applied only to absolute contraband and the courts exercised great care in determining that contraband was ultimately bound for enemy territory by virtue of the ship's papers and the local demand for the goods. In the case of The Peterhoff, for example, the courts determined that part of the cargo was absolute contraband and that it was ultimately destined for Brownsville, Texas. The cargo was en route from London, England, to Matamoras, Mexico. The court ascertained that Matamoras was a neutral port and that, therefore, there was no local market for contraband. Since Matamoras lay across the Rio Grande River from Brownsville, which was a blockaded port, the court assumed that the ultimate destination of the contraband was a hostile port and condemned the cargo on those grounds.⁸⁰

The British expanded this precedent by seizing cargoes containing both conditional and absolute contraband destined for neutral European ports. According to Professor Garner, all of the cargoes thus confiscated were bound for neutral ports where there was a large local demand for the goods and there was no way of determining whether or not the merchandise would be transshipped to Germany or Austria.⁸¹ Britain demanded that neutrals guarantee that goods entering their countries would not be shipped to Austria or Germany.⁸²

In April of 1916, the British Government announced that all distinctions between absolute and conditional contraband had ceased to exist.⁸³ What British did was to use economic warfare in such a way as to redefine international law. While it has long been recognized that one of the main objectives in warfare is to disable the

enemy economically through economic means, Britain superceded laws designed to allow a belligerent to cripple the enemy economically and to shield neutrals from the worst aspects of warfare. The result was that neutral rights were seriously eroded.

VIII. GERMAN OBJECTIONS TO BRITISH MEASURES

The German objections were, for the most part, based on the Declaration of London. Britain merely mentioned that a blockade was assumed to exist; as Liszt pointed out, this did not conform to the dictates of the Declaration which made provisions for an effective blockade.⁸⁴ The brunt of the criticism was directed to the doctrine of continuous voyage which was characterized by Hans Wehberg as that evil theory, "jener bösen Theorien."⁸⁵ Continental legal scholars had never completely accepted the Civil War decisions of American Prize Courts, and German writers found it utterly ironic that Britain began to use precedents which had originally been to her disadvantage.⁸⁶ Germany had been one of the nations which had opposed the concept of continuous voyage at the 1909 London Conference; however, the majority opinion that continuous voyage should apply to absolute contraband had prevailed.⁸⁷ The August 20, 1914 Order in Council stipulated that a cargo of conditional contraband could be confiscated on the presumption of hostile destination. This was in direct violation of Article 33 of the Declaration of London, which said that the ship's papers must indicate hostile destination. Article 38 of the Declaration forbade seizure of a vessel which had previously carried contraband on the grounds that a vessel must currently carry contraband to be

liable to confiscation. The August 20, 1914 Order in Council provided for seizure of a vessel on her return voyage on the supposition that the vessel had been carrying contraband under false papers.⁸⁸ This was later expanded so that neutral vessels carrying papers indicating a neutral destination, and which nevertheless proceeded to an enemy port, became liable to confiscation if captured before completing the next voyage. Dr. Paul Heilborn maintains that such a vessel could be taken regardless of the cargo.⁸⁹ As Heilborn notes, the Declaration of London allowed for changes in the contraband lists.⁹⁰ However, most German scholars condemned the obliteration of distinctions between relative and absolute contraband by the British.⁹¹ Although many of the neutrals, including the United States and some of the Scandinavian countries, did protest British contraband and blockade practices,⁹² many German writers were heavily critical of the policies of neutral nations. They felt that neutrality was a far more dynamic position than the policies expressed by the neutrals. Several scholars accused neutrals of acquiescing in British violations of international law and insisted that they were aiding Britain through their neutrality.⁹³ At the same time Britain and Germany were the leading maritime nations, thus making it extremely difficult for neutrals to pressure either belligerent into observing international law. Neutrals tended to be satisfied with diplomatic protests of illegality while being wary of excessively alienating any of the belligerents.

IX. GERMAN WAR MEASURES

Whereas the British used such wartime measures as the blockade and expansion of contraband lists, as well as mined areas, Germany

relied on the use of submarines and mine laying. The German battle fleet had only recently been created and was therefore much smaller than the British fleet; and, in addition, it had never before been used in battle. Germany did not want to engage in a full scale naval war with Britain, because she knew that she would be beaten by superior and experienced forces. The German battle fleet was not meant to equal or surpass the size of the British fleet. Instead, naval strategists hoped that a powerful German fleet would intimidate Britain to the point of avoiding battle. Also Germany assumed that Britain would remain neutral in the event of war and was, therefore, unprepared for the British entry into the war on the side of France and Russia. The German plan was to engage in a naval war of attrition through the use of mined areas and minor attacks with battle cruisers. Submarines were merely to assist in the scheme of things.⁹⁴ Since German military strength was concentrated in her army, the major theater of war was to be on land; moreover, Britain possessed a much smaller army.

The submarine was first used as a warship; that is, it only attacked other warships, generally observing cruiser rules of warfare. The first submarines were sent out in August 1914, but these expeditions failed to engage the enemy successfully. In fact, a couple of U-boats were lost; one struck a mine and another was rammed; furthermore, those submarines which did use their torpedoes missed their mark.⁹⁵ Captain Otto Hersing of the U-21 scored the first hit, the British cruiser Pathfinder, which was sunk in heavy seas off St. Abb's Head near the entrance of the Firth of Forth on September 5, 1914.

The first major victory for the submarine, the achievements of Captain Otto Weddigen of the U-9, gave Germany cause for celebration and made the British Admiralty re-examine their attitudes and policies towards the enemy's submarine fleet. Among those early submarines embarking from Wilhelmshaven was the U-9, an obsolete vessel with a top surface speed of 14 knots, powered by Körting heavy-oil engines. Thirty-two year old Captain Weddigen sailed from Wilhelmshaven on August 17, 1914, the day after his marriage to his childhood sweetheart, to report for duty.⁹⁶ He was instructed, according to his orders, to attack all warships and transport ships:

Führer der U-Boote
Gg 87 F

Wilhelmshaven, den 19. 9. 1914

GANZ GEHEIM!
Befehl für U 9

Größerer Truppentransport findet statt nach Ostende. U 9 sobald Wetter es erlaubt, auslaufen und bei Ostende Wartestellung einnehmen. Voraussichtlich günstige Position zwischen Nordhinder-Feuerschiff und Ostende. Angreifen alle Kriegs- und Transportschiffe. Weitere Anweisungen durch Chef II. U-Halbflottille. Rückkehr nach eigenem Ermessen. Auslaufen melden.

gez. Bauer

An K. d. H., I. B. d. A., I., II. U-Halbfl. und U 9⁹⁷

On September 20, 1914, the U-9 sailed for the coast of Holland under sealed orders. Weddigen had distinguished himself in practice sessions as a consummate marksman and with five years in the submarine flotilla was considered an "ace."⁹⁸ En route to the Dutch coast, the U-9 encountered heavy winds and seas in addition to problems with the gyrocompass which caused the vessel to sail fifty miles off course. On September 22, 1914, hundred-mile-an-hour north winds forced the U-9 to descend to a depth of fifteen meters near Scheveningen. Final-

ly the U-boat surfaced to recharge her storage batteries and, when the weather had cleared sufficiently, the U-9 continued her journey to a point eighteen nautical miles northwest of the Hook of Holland. At 6:00 A. M. Weddigen sighted the masts of ships and the order to submerge was given. As the U-9 closed in on the vessels, Weddigen identified them as three British cruisers of the Birmingham class,⁹⁹ an identification with which British accounts would take exception.

The old armoured cruisers Cressy, Hogue, and Aboukir, three of the four crocks in the 7th Cruiser Squadron ('Baccante' class), nicknamed the 'live bait squadron' by the Grand Fleet, were steering a steady course at a speed under 10 knots. This was inexcusably risky, even if Admiral Christian, Commander of the Squadron (but not with it on the 22nd), afterwards attempted to justify the low speed by the necessity to conserve coal.¹⁰⁰

These vessels weighed about 12,000 tons apiece and each carried approximately 800 sailors.¹⁰¹ The U-9, which had a possible cruising speed of 8 knots when submerged,¹⁰² took her position under approximately twelve feet of water, and at 7:20 A. M. fired a torpedo at a range of 500 meters at the middle vessel, the Aboukir. The torpedo hit one of the ship's magazines and she sank within a few minutes.¹⁰³ Unable to determine the cause of the Aboukir's destruction, the Cressy and the Hogue went to rescue the survivors floating in the North Sea, for none of the vessels had been cautioned about the dangers of submarines.¹⁰⁴ Weddigen seized his chance, and at 7:55 A. M., from a range of 350 meters, he fired two torpedoes at 5 second intervals at the Hogue.¹⁰⁵ As the Hogue sank, Commander Bertram W. L. Nicholson of the Cressy sighted a periscope 300 yards off the port bow. The Cressy opened fire on the submarine and engines were set for full

speed ahead, for she intended to ram the submarine. The gunner thought that the submarine had been destroyed and the vessel stopped and resumed rescue procedures. About five minutes later, however, another periscope was seen on the starboard quarter and the Cressy fired on it. Commander Nicholson noted a torpedo track visible at 500 to 600 yards on the starboard side, and then the torpedo hit its mark.¹⁰⁶ Weddigen had shot two torpedoes at a 1,000 meter range, but since one had missed, he fired a third which struck a boiler room, and the Cressy sank at 9:10 A. M.¹⁰⁷

Almost 1500 seamen perished that day.¹⁰⁸ English reports indicated that an entire flotilla of submarines had attacked the three vessels; however, Weddigen takes full credit for the deed.¹⁰⁹ With the storage batteries nearly exhausted and all of the torpedoes spent, the U-9 began an uneventful journey home. On September 24, 1914, Captain Otto Weddigen was given a hero's welcome in Wilhelmshaven, receiving the honor of the Iron Cross of the first and second classes from Kaiser Wilhelm II.¹¹⁰

The surviving ranking officers of the British vessels were not as fortunate as their German counterpart, for they returned to England to face the Court of Inquiry. The Court ruled that the Captains of the Hogue and the Cressy had made an "error of judgment" in stopping to rescue the men of the Aboukir. However, the judge did temper justice with mercy. "The First Sea Lord made allowances for the two Captains, who 'were placed in a cruel position, once they found themselves in waters swarming with drowning men.'" ¹¹¹ Weddigen himself was absolutely appalled at the sight of the carnage and was forced

to look away. Afterwards he said: "Es war scheusslich! Wenn man so sieht, wie die Menschen an den Bordwänden hilflos in das Wasser rutschen. Ich habe nicht mehr hinschauen können!"¹¹² The consequences of submarine warfare were awesome and horrible to everyone involved. Captain Weddigen had a brief but brilliant career as a submarine commander. On October 15, 1914, the U-9 sank the British cruiser Hawke and shortly thereafter Weddigen was given command of a larger vessel, the U-29. The U-29 embarked on her last mission in March 1915, for she was rammed by the Dreadnought somewhere in the Irish Sea; the U-29 went down with all hands on board.¹¹³

The consequences of these early submarine missions were momentous for both British and German policies. Although the British cruisers sunk during this period were not valuable warships, the loss of life was positively shocking. Thus, the British Admiralty was alerted to the danger of submarines.¹¹⁴

As a result of this triple sinking, the 7th Cruiser Squadron was abolished; a mine-field was laid on October 2, about fifty miles north of Ostend, southward of the field laid by Königin Luise in the early days of August. By the end of the year some 2000 British mines had been planted; but, the type of mine used being defective, British mining work ceased altogether by the following June. The only value these mines possessed lay in their supposed presence, thereby deterring enemy submarines from traversing a suspected area for some time. Excepting such damage as was suffered by our ships, it is questionable whether any injury whatever was wrought by the mines. Indeed, the Germans issued an order, 'British mines do not explode!'¹¹⁵

The Admiralty Staff had originally assumed that submarines were unable to execute surprise attacks in heavy swells, but the sinking of the three Baccante cruisers had proven that this was not the case. Consequently, British cruisers were instructed to alter their courses at

intervals in order to confuse hostile submarines.¹¹⁶

For the German Admiralty, these early U-boat missions illustrated both the strengths and weaknesses of the submarine as a combat weapon and indicated the need for an expanded use of the new weapon. Although a few lesser warships had been destroyed, the submarine was unable to attack the larger, swifter war vessels which often traveled under escort.¹¹⁷ Nevertheless, Grand Admiral Tirpitz felt that these experimental weapons ought to be used in commercial warfare.

The war, the fine achievements of Weddigen, Hersing and others, soon, however, fixed the real importance of this new weapon, and so it came about that by September 1914 the idea of employing the submarines against hostile merchant shipping was taken seriously into consideration.¹¹⁸

The fact that the German Fleet had been idle except for the few submarine sinkings, while the army was furiously engaged in battle, made a submarine campaign all the more attractive to the Admiralty Staff.¹¹⁹ Although Tirpitz was among the most enthusiastic advocates of a U-boat war against commerce, both A. C. Bell and Karl E. Birnbaum insist that Captain Herman Bauer, Chief of the Submarines of the High Sea Fleet, first proposed the use of the submarine as a commerce destroyer.¹²⁰ Captain Bauer received the reports of U-boat commanders upon their return from war missions, and in this respect, the log of Captain von Hennig of the U-18 is of special importance. Captain von Hennig was the first submarine commander ever to enter the Straits of Dover and was able to observe the comings and goings of commercial vessels from his post, as he records in his ship's log:

Many freighters passed going to and from the Downs. In my opinion sinking a few merchantmen with U-boats would make an unexpected commotion in public opinion and disturb England's economic life. It would be easier to do this than to lay minefields.¹²¹

A. C. Bell stresses that this was not an official proposal and that von Hennig's observations probably did not influence Bauer. Bauer's rationale for the use of the submarine as a commerce destroyer was that it should be used as a reprisal. Britain had illegally placed a minefield across the Straits of Dover in order to curtail German submarine operations in the area and Bauer reasoned that U-boat captains ought to be given more freedom of action in areas still accessible to them. The proposal was conveyed by Bauer to Admiral Friedrich von Ingenohl, Chief of the High Sea Fleet, who recognized the military value of the idea and in turn presented it to Admiral Hugo von Pohl, Chief of the Admiralty Staff. Without consulting the political authorities, Admiral von Pohl rejected the concept as a violation of international law. While admitting the military merit of such a campaign, he believed that it could only be justified as a reprisal and that current British methods did not warrant it.¹²² However, the British Admiralty declaration of November 2, 1914, which designated the North Sea as a military area, caused von Pohl to change his mind. It was at this point that he began to demand that the Admiralty Staff sanction submarine warfare against commercial vessels.¹²³

Admiral von Pohl's proposals, which were submitted to the Chancellor's office, were not successful at this point. The Chancellor, Theobald von Bethmann Hollweg, and the Admiralty Staff itself felt that it was not an auspicious time for a submarine campaign against

commerce. The rationale for the recommendation that the campaign be postponed was political expediency; legal considerations were not an issue. Germany's military position on the continent was not secure enough to risk the complications with neutrals that a U-boat war against commerce would bring. Neutral nations, especially the United States and Italy, would undoubtedly object to such a campaign and Germany could expect that they might enter the war against her as a result. Furthermore, Germany simply did not have enough submarines to cause Britain to surrender in a matter of months. Although Kaiser Wilhelm II decided, on January 9, 1915, that the commercial U-boat war would be delayed until the military situation on the continent was secured, Germany was to prepare for it in the meantime.¹²⁴

X. MILITARY AREAS AND WAR ZONES

As early as October 2, 1914, the British Admiralty justified large scale mining operations in the North Sea because of German mine-laying and submarine activities.¹²⁵ And on November 3, in order to preserve peaceful commerce, the British found it necessary to declare the North Sea a military area as a reprisal against Germany because of her practice of mining the open seas with vessels using neutral flags. Moreover, Germany was accused of using hospital vessels, trawlers and other neutral vessels for purposes of reconnaissance. Britain did, however, provide sea lanes as designated by the Admiralty, for neutral traffic; but neutrals had to stop by the English Channel in order to obtain directions. This extraordinary measure of mining off the North Sea was justified by the "novel conditions under which this war is being waged."¹²⁶

According to Marion Siney, the British subsequently admitted that Germany had not used vessels flying neutral flags as minelayers.¹²⁷ Nevertheless, neutral nations, in particular Holland and the Scandinavian countries, vigorously objected to the closure of the North Sea as a violation of international law. Sweden initiated the idea of a joint protest of neutral nations in which the United States was invited to participate. The United States, however, declined, and on November 13, 1914, Sweden, Denmark and Norway issued a protest of violations of neutral rights by Britain as well as by France, Russia and Germany.¹²⁸

The controversy over the use of submarine contact mines in this instance was based on different interpretations of the unratified 1907 Hague Convention on the subject. In her reply to British accusations that she had violated its rules, Germany insisted that she did consider herself bound by the Convention with the exception of article 2; France had also expressed reservations regarding article 2. Article 2 had been the subject of heated debate between Britain and Germany during the Convention and that debate was further sharpened by the events of the war. On behalf of Britain, Sir Ernest Satow had passionately argued that the Convention ought to adopt firm rules for the use of the mines, including provisions forbidding their use on the high seas and that they must become harmless after a certain time, or if broken from their moorings. Baron Marshall von Bieberstein, who represented Germany, felt that belligerents ought to be allowed a great deal of discretion in interpreting the law and insisted that conscience and "the unwritten law of humanity and civilization" were better guides for international maritime law than written treaties. Moreover, von Bieberstein

maintained that the final draft of article 2 was subject to evasion and Germany refused to accept it on those grounds. The British attributed the failure of their attempts to obtain definitive rules on submarine mines, for the most part, to the efforts of Marshall von Bieberstein.¹²⁹ During the discussion of the Convention, Sir Ernest Satow pointed out: "There is nothing in its provisions to forbid belligerents placing mines, floating or anchored, on the high seas, nothing to prohibit them from placing mines off the coast of the enemy without regard to neutral shipping, for the proviso that these zones shall be notified 'as soon as military exigencies allow' is of little value."¹³⁰

In a letter written to the London Times, September 14, 1914, Alexander Pearce Higgins echoed Sir Ernest Satow's analysis; but Dr. Higgins maintained that there is a morality beyond the dictates of the Convention which limits belligerent action toward neutrals.

Convention or no Convention, there are certain acts which endanger neutral shipping on the high seas and to these it must not be subjected. The view which Great Britain advanced as a neutral state was based on the universally admitted principle of freedom of the seas for neutral ships in time of war, except so far as clearly recognized restrictions such as blockade, exist. It is also admitted that on the high seas, in an area occupied by belligerent fleets, they have a right to lay mines, but this does not give them the right long after their departure from a particular place to render the highway of nations dangerous to neutrals who have an equal right to use it.¹³¹

Germany denied all of the allegations brought against her by the British since September 1914; she maintained that she had observed the dictates of international law, but that there was "no established practice" to indicate how far off the coast submarine mines might be anchored. Germany then cited British violations of international law,

especially the closure of the North Sea which was termed "equivalent in its economic importance to a blockade of neutral coasts." This measure, continued Germany, could not be justified militarily because its purpose was to injure the enemy economically through the curtailment of legitimate neutral trade.¹³²

As a legal issue, the concept of mined areas presented all the problems of a new device of warfare. Both British and German writers have deplored the use of "defensive sea areas" which were first introduced during the 1904 Russo-Japanese War by Japan and had caused havoc with neutral trade as mines became loosened from their moorings to collide with merchant vessels even after the war was terminated. Heinrich Pohl stated that the Japanese practice of mining the open seas constituted a violation of the international legal principle of freedom of the seas.¹³³ Most authors who condemn this practice consider it an unfortunate contribution to the expanded use of mines and a dangerous precedent for World War I.¹³⁴ Although several nations protested this use of mines during the 1904 war, a number of sources, including the United States Naval College (1914), concluded that the Japanese were justified in their use of these zones, given the circumstances of the war.¹³⁵

Many German writers, however, condemn the November 3, 1914 British Order in Council as illegal, primarily because of the unjustifiable damage inflicted upon neutral trade. Neutral traffic may be curtailed through the use of a blockade; but, as Triepel and others pointed out, a military area (Sperrgebiete) is not a blockade. Heinrich Pohl accused England of renewing her former practice of the

paper blockade which he found inadmissible. According to Paul Heilborn, there was no provision for using mines against enemy merchantmen and mined areas may not be used as a means of blockade.¹³⁶

Certainly the German government considered the British war zone decree illegal and consequently found it necessary to issue the February 4, 1915 war zone declaration as a reprisal. Two days after the British had issued the November 3 announcement, Admiral Pohl, who had described the proposed commercial submarine war as "eine scharfe Verletzung des Völkerrechts" (an extremely serious violation of international law), in October, presented the Chancellor with just such a proposal as a reprisal.¹³⁷ Without considering the legal implications, the Chancellor and the Admiralty Staff had agreed that a submarine war should be implemented when militarily feasible and the Kaiser had so ordered. By the end of the year, the German government had decided that it would engage in submarine warfare against commerce as a reprisal, when it was militarily propitious to do so, because of the closure of the North Sea by the British. This extraordinary action on the part of the British had caused Germany to use extraordinary means of retaliation. A. C. Bell maintains that Germany considered herself blockaded as of November 3, 1914 and that Pohl and other governmental officials felt that Britain was attempting to terminate all commerce between Germany and the outside world.¹³⁸ In a communication of December 27, 1914 to Admiral Pohl, the Chancellor had indicated that Germany could use any means which seemed most suitable to end the war quickly, given the methods which England had used to curtail contraband and pressure neutrals.¹³⁹

At this point, no other action on the part of the belligerents had served to escalate the war as rapidly as the November 3 decree, which served to propel the war into the shadowy legal realm of reprisals. A reprisal by definition is an illegal act, which can only be used against the enemy when it violates the law; the purpose of a reprisal is to force the enemy to abandon its illegal actions. Reprisals are necessarily arbitrary, because they are exercised at the discretion of belligerents; hence the severity of the reprisal often exceeds that of the original illegal act.¹⁴⁰

The question of the legality of the war zone decrees issued during World War I is still the subject of scholarly debate. A. C. Bell has stated that Germany was not justified in issuing the February 4, 1915 decree as a reprisal, because Britain had not established a blockade at that point, but was merely intercepting contraband. However, he has said that British economic measures caused Germany far more economic suffering in late 1914 than Britain realized at the time.¹⁴¹ But Bell has not considered whether or not the closure of the North Sea was justified as a reprisal. Coleman Phillipson, on the other hand, has indicated that German practices merited the British declaration, but that the February 4, 1915 decree was unwarranted because it did not conform to the legal strictures of blockade.¹⁴² By law, reprisals must not subject neutrals to unnecessary hardship and inconvenience, given the circumstances of the situation. Some legal authorities insist that sea lanes must be provided for neutral traffic in order for war zones to be considered legitimate instruments of war.¹⁴³ Although the November 3 decree did make provisions for sea

lanes, it was an extraordinary measure in any case. Certainly German minelaying operations in November 1914 did not hinder commerce to the extent that the British act of mining off the North Sea did. British reprisals, therefore, exceeded the gravity of German actions. The February 4, 1915 submarine war zone declaration, which did not allow for sea lanes around the British Isles, further escalated the war, rendering economic life extremely difficult for neutral nations.

Although the British war zone declaration constituted a severe restriction of neutral trade, it made provisions for neutral commerce; and furthermore, there was no intent to destroy enemy merchantmen indiscriminately. In contrast, the German measure did not distinguish between war vessels or merchantmen, whether they belonged to neutral or enemy states. The February 4, 1915 decree proclaimed the area around the British Isles to be a war zone, and although areas near the Dutch Coast and north of the Shetland Islands in the eastern part of the North Sea were not part of this zone, the entire English Channel was closed to maritime traffic. The German declaration was a far more serious infringement on neutral rights, because no provisions were made to prevent injury to neutral vessels.¹⁴⁴ James Wilford Garner concludes that there is no justification for prohibiting neutrals from using large areas of the high seas under threat of destruction of their vessels.¹⁴⁵ Hans Wehberg's defense of the German war zone decree as an extension of the ancient belligerent right to make parts of the open sea a theater of war (Kriegsschauplatz) was found lacking. Garner recognizes this precedent but argues that the war zone declaration was beyond the application of this concept.¹⁴⁶

Generally, Britain used precedents to justify her war measures, such as the use of armed merchantmen and the doctrine of continuous voyage. But she also used vital interests and "novel conditions" or changed circumstances to justify the November 3, 1914 decree. Germany used vital interests and military necessity to justify her February 4, 1915 war zone declaration. And Germany insisted that submarines ought to be exempt from the laws governing war vessels because of changed circumstances. With the exception of advocating the acceptance of the Declaration of London, Germany followed a consistent policy of reserving for the state vast discretionary powers in interpreting international law. She insisted that the established precedent of armed merchantmen ought to be abolished, that submarines should not have to follow cruiser rules of warfare, and that stringent rules governing the use of submarine mines were unnecessary. Although Britain refused to accept the Declaration of London in its entirety, she did observe it in part until 1916. Furthermore, she used the precedents of armed merchantmen and continuous voyage as the basis for her blockade. Also Britain had advocated the implementation of strict rules for the use of submarine mines.

Both British and German measures expanded the usage of the laws of war in an unprecedented fashion; but the effects of these measures were different because the method of implementation varied. Because Britain used established precedents as the basis of her war measures, she provided an accepted method of redress for neutrals who were affected by these measures. Neutral damage claims were simply adjudicated through the prize courts, which rendered decisions as prescribed

by law. Germany's use of the submarine was unprecedented and, therefore, caused her irreconcilable differences with the leading neutral, the United States. Because Germany insisted that the existing laws simply did not apply to submarines, this raised the question of whether she intended to acknowledge neutral rights. The United States defended the traditional interpretation of the law—that is, that neutrals have the right to travel the high seas in safety. She demanded that Germany guarantee the safety of American lives and property and, in the event of incidents, insisted that Germany disavow this use of the submarine and pay full indemnities for damages. As long as Germany was willing to acknowledge the American position, the United States remained neutral. After Germany implemented unrestricted submarine warfare, however, in February of 1917, the United States ascertained that she had no alternative but to declare war on Germany in order to protect American rights. The United States consistently defended American rights, rather than neutral rights, throughout 1915-1917 and followed a policy of protesting only those submarine incidents which involved American citizens. Thus the German decision to use the submarine as a commerce destroyer was one of the most important decisions of the war and, as such, will be the subject of further discussion.

NOTES TO CHAPTER I

¹ A. C. Bell, History of the Blockade of Germany: and of Countries Associated With Her in the Great War--Austria-Hungary, Bulgaria and Turkey, 1914-1918 (London: Her Majesty's Stationary Office, 1961), pp. 22-3; "Editorial Comment", The American Journal of International Law, Vol. 8 (1914), p. 885. See quotation from the speech of Dr. Kriege given before the Reichstag on April 28, 1914; also see Richard Van Alstyne, "The Policy of the United States Regarding the Declaration of London, at the Outbreak of the Great War," Journal of Modern History, Vol. 7, No. 4 (December, 1935), p. 434.

² "Editorial Comment," The American Journal of International Law, Vol. 8 (1914), p. 885.

³ Papers Relating to the Foreign Relations of the United States: 1914 Supplement (Washington: United States Government Printing Office, 1928), pp. 225-32, Acting Secretary of State to the Ambassador in Great Britain (Page), September 29, 1914. Also see Bell, History of the Blockade of Germany, pp. 38-9.

⁴ United States Foreign Relations 1914 Supplement, pp. 218-20, The Ambassador in Great Britain (Page) to the Secretary of State, undated; ibid., pp. 228-30, Acting Secretary of State to the Ambassador in Great Britain (Page), September 26, 1914; also see Van Alstyne, "The Policy of the United States Regarding the Declaration of London," pp. 436-8; see Ray S. Baker, Woodrow Wilson: Life and Letters, Vol. 5: Neutrality 1914-1915 (Doubleday & Company, Inc., 1927; rpt. New York: Greenwood Press, 1968), pp. 194-228, for U. S. efforts to get Britain to recognize the Declaration of London during this period. The U. S. rescinded this policy on December 28, 1914. United States Foreign Relations 1914 Supplement, pp. 376-7, The Secretary of State to the German Ambassador.

⁵ L. Oppenheim, International Law: A Treatise, Vol. II: Disputes, War and Neutrality, Ed. H. Lauterpacht, 7th ed. (New York: David McKay Company, Inc., 1965), p. 634; John Colombos, The International Law of the Sea, 6th rev. ed. (London: Longmans, Green & Co., 1967), p. 487.

⁶ Robert W. Tucker, The Law of War and Neutrality at Sea, Naval War College International Studies, Vol. 50 (1955) (Washington: United States Government Printing Office, 1957), p. 34, note 22; Colombos, International Law of the Sea, pp. 500-3.

⁷ L. Oppenheim, The Future of International Law, Carnegie and Endowment for International Law, Division of International Law, pamphlet # 39 (London and New York: Humphrey Milford, 1921), pp. 59-60; John Westlake, Traité de Droit International, trans. A. De Lapradelle

(London: Humphrey Milford, 1924), pp. 520-22; T. Baty and J. H. Morgan, War: Its Conduct and Legal Results (New York: E. P. Dutton & Co., 1915), p. 167; Colombos, International Law of the Sea, pp. 500-2; Coleman Philipson, International Law and the Great War (London: T. Fishers Unwin, Ltd., 1915), pp. 137-8; James Wilford Garner, International Law and the World War (London: Longmans, Green & Co., 1920), Vol. I, p. 5, and Vol. II, pp. 195-8.

⁸ Elihu Root as quoted in "The Law of War and Military Necessity," by William Gerald Downey, American Journal of International Law, Vol. 47 (1953), p. 253.

⁹ Morris Greenspan, The Modern Law of Land Warfare (Berkeley and Los Angeles: University of California Press, 1959), p. 314.

¹⁰ William O'Brien, "The Meaning of Military Necessity in International Law," World Polity, 1 (1957), pp. 109 and 191, as quoted in Law and Minimum World Public Order, by Myres S. McDougal and Florentino P. Feliciano (New Haven: Yale University Press, 1967), p. 529.

¹¹ Oppenheim, International Law, II, p. 232. On page 231, n. 6, Oppenheim lists a number of German authorities who did accept the idea of Kriegsräson; certainly Franz von Liszt, Das Völkerrecht, Bearbeitet von Dr. Max Fleischmann, zwölfte Auflage (Berlin: Verlag von Julius Springer, 1925), pp. 456-7, is numbered among those who advocate it; Dr. Karl Strupp, "Notstand im Völkerrecht," Wörterbuch des Völkerrechts und der Diplomatie, fortgesetzt und herausgegeben von Dr. Karl Strupp (Berlin and Leipzig: Walter de Gruyter & Co., 1929), Bd. 2, pp. 153-4. Dr. Strupp indicates that the concept is modified by humanitarian considerations.

¹² J. W. Garner, "The Doctrine of Rebus Sic Stantibus and the Termination of Treaties," American Journal of International Law, Vol. 21 (1927), 511-16; Jesse S. Reeves, "The Prussian-American Treaties," American Journal of International Law, Vol. 11 (1917), p. 501; L. H. Woolsey, "The Unilateral Denunciation of Treaties," American Journal of International Law, Vol. 20 (1926), pp. 347-48; Quincy Wright, "The Legal Nature of Treaties," American Journal of International Law, Vol. 10 (1916), p. 706; Josef L. Kunz, "The Problem of Revision in International Law," American Journal of International Law, Vol. 33 (1939), pp. 42-4; J. W. Garner and Valentine Jobst III, "The Unilateral Denunciation of Treaties by One Party Because of Alleged Non-performance by Another Party or Parties," American Journal of International Law, Vol. 29 (1935), pp. 569-85; Josef L. Kunz, "The Meaning and Range of the Norm Pacta Sunt Servanda," American Journal of International Law, Vol. 39 (1945), pp. 189-90.

¹³ J. L. Brierly, The Law of Nations, 4th ed. (Oxford: the Clarendon Press, 1949), pp. 54-5; J. L. Brierly, The Law of Nations,

6th ed. (New York and Oxford: Oxford University Press, 1963), pp. 53-4; Hans Wehberg, "Pacta Sunt Servanda," American Journal of International Law, Vol. 53 (1959), p. 780.

¹⁴ Ibid., p. 781. Wehberg considers the efforts of Jellinek and Triepel a failure because there was no compelling reason for the state to observe contracts according to their theories. Wehberg feels that only a law which is above the power of the state can create binding contracts. See Reeves, "The Prussian-American Treaties," p. 502, n. 53.

¹⁵ Ibid., p. 502.

¹⁶ Ibid., pp. 502-3, 510.

¹⁷ Theodore S. Woolsey, "Submarine Reflections," American Journal of International Law, Vol. 11 (1917), p. 138; Tucker, Laws of War and Neutrality at Sea, p. 58; H. G. Rickover, "International Law and the Submarine," United States Naval Institute Proceedings, Vol. 61, No. 9 (Sept., 1935), pp. 1218-19; Bernard Brodie, Sea Power in the Machine Age (Princeton: Princeton University Press, 1941), p. 311.

¹⁸ Ernest R. May, The World War and American Isolation, 1914-1917 (Cambridge: Harvard University Press, 1959; rpt. Chicago: Quadrangle Books, 1966), pp. 134-5, 249; Bell, Blockade of Germany and the Central Powers, 1914-1918, pp. 215-16; W. T. Mallison, Studies in the Law of Naval Warfare: Submarines in General and Limited Wars, Naval War College International Studies, Vol. 59 (1966) (Washington: United States Government Printing Office, 1968), p. 63; Rear Admiral S. S. Hall, Problems of War and Peace, Grotius Society London (London: Sweet and Maxwell, Ltd., 1920), V, p. 83.

¹⁹ May, The World War and American Isolation, p. 132.

²⁰ Otfried Nippold, The Development of International Law After the World War, trans. Amos S. Hershey (London: Humphrey Milford, 1923), pp. 142-3; Rickover, "International Law and the Submarine," pp. 1213-17; Brodie, Sea Power in the Machine Age, pp. 308-10; Mallison, Submarines in General and Limited Wars, pp. 106-13; Colombos, International Law of the Sea, p. 510; Edwin Borchard and William P. Lage, Neutrality for the United States (New Haven: Yale Univ. Press, 1937), p. 187.

²¹ T. J. Lawrence, The Principles of International Law, 7th ed. (Boston, New York and Chicago: D. C. Heath & Co., Publishers, 1923), pp. 467, 518-21; George Grafton Wilson, "The Submarine and Place of Safety," American Journal of International Law, Vol. 35 (1941), pp. 496-7; Woolsey, "Submarine Reflections," pp. 137-9; Tucker, Laws of War and Neutrality at Sea, pp. 56-63; Sir Frederick Smith, The Destruc-

tion of Merchant Ships Under International Law (London: J. M. Dent & Sons, Ltd., 1917), pp. 52-4; Oppenheim, International Law, II, pp. 490, 465-8; William E. Hall, A Treatise on International Law, 7th ed. (Oxford: Oxford Univ. Press, 1917), pp. 438, n. 4, and 789, n. 1; Elihu Root, Men and Politics: Addresses by Elihu Root (Cambridge: Harvard Univ. Press, 1925), pp. 446-51, 462-64 (This covers the Prohibition of Submarines and Poisonous Gases at the Washington Conference); Garner, International Law and the World War, I, pp. 355-83 (On pages 377-8, Garner refutes German arguments regarding the submarine as a new weapon); Green H. Hackworth, Digest of International Law, Vol. II (Washington: United States Government Printing Office, 1940-44), p. 691 and Vol. VI, pp. 466-7.

22 Karl von Clausewitz, War Politics and Power: Selections from On War and I Believe and Profess, trans. and ed. Edward W. Collins (Chicago: Henry Regnery Co., 1965), pp. 28-29, 250-68.

23 Ludendorff, Der totale Krieg, p. 111f, as quoted in Social Order and the Risks of War by Hans Speier (New York: George W. Stewart, Publisher, Inc., 1952), p. 291.

24 Charles de Visscher, Theory and Reality in Public International Law, trans. P. E. Corbett (Princeton: Princeton Univ. Press, 1968), p. 300; Phillipson, International Law and the Great War, pp. 133-5; Garner, International Law and the World War, I, p. 278; also see William O. Miller, "A New International Law for the Submarines?", United States Naval Institute Proceedings, Vol. 92, No. 10 (Oct., 1966), pp. 99-102.

25 Oppenheim, International Law, II, p. 468.

26 Great Britain, Parliament, Parliamentary Debates (House of Commons), 5th ser., LIII (June 10, 1913), col. 1431; also see Oppenheim, International Law, II, p. 468, n. 3. Oppenheim criticizes Borchard and Lage, Neutrality for the United States, p. 93, for their statement that the distinction between the two classes of vessels, as defined by Churchill, is a "subtle" one. Oppenheim emphatically declares "...there is no sufficient justification for that description of a well established classification."

27 Parliamentary Debates (House of Commons), 5th ser., LIII (June 10, 1913), col. 1431.

28 Captain A. Gayer, German Navy, "Summary of German Submarine Operations in Various Theaters of War from 1914 to 1918," trans. Commander W. P. Beehler, U. S. Navy retired, United States Naval Institute Proceedings, Vol. 52, No. 4 (April, 1926), p. 622; Rear Admiral Spindler, German Navy, "The Value of the Submarine in Naval Warfare: Based on the German Experience in the War," trans. Commander W. P.

Beehler, U. S. Navy retired, United States Naval Institute Proceedings, Vol. 52, No. 5 (May, 1926), pp. 837-8; R. H. Gibson and Maurice Prendergast, The German Submarine War 1914-1918 (New York: Richard R. Smith, 1931), p. 25. Gibson and Prendergast question the motives for Spindler's statement by raising the possibility that this was perhaps official policy. However, they also point out that Admiral Scheer made similar statements.

²⁹ Arno Spindler, La Guerre Sous-Marine, trans. René Jouan (Paris: Payot, 1933), I, p. 194; Gayer, "Summary of German Submarine Operations in the Various Theaters of War from 1914 to 1918," pp. 622-3. Gayer characterized Blum as one of the best technical experts on the submarine and noted that Blum's figures were quite accurate.

³⁰ Winston Spencer Churchill, The World Crisis, 1911-18 (New York: Scribner, 1923-1927), II, p. 288.

³¹ Ibid.; cf. Spindler, La Guerre Sous-Marine, I, pp. 197-8; Arthur J. Marder, From the Dreadnought to Scapa Flow: The Royal Navy in the Fisher Era, 1904-1919, Vol. I: The Road to War, 1904-1914 (London: Oxford Univ. Press, 1961), pp. 363-4.

³² John Bassett Moore, A Digest of International Law (Washington: U. S. Government Printing Office, 1906), II, pp. 1070-1; cf. Borchard and Lage, Neutrality for the United States, p. 88, quoting Charles C. Hyde, International Law, Vol. II (1922), pp. 405, 471. See also Hall, International Law, pp. 565-7. Hall (pp. 566-7) says that some authors insist that an armed merchant vessel has the right to attack; however, he does not share this opinion. "If there was ever anything to be said for this view," he writes, "and the weight of practice and of legal authority was always against it, there can be no question that it is too much opposed to the whole bent of modern ideas to be now open to argument."

³³ Alexander P. Higgins, "Armed Merchant Ships," American Journal of International Law, Vol. 8 (1914), pp. 711-12; also see Editorial Comment, American Journal of International Law, Vol. 9 (1915), pp. 191-5, which is a discussion of the Hague Conference of 1907 and the fact that it was not ratified and therefore is not binding.

³⁴ Oppenheim, International Law, II, pp. 468-9; also see Smith, The Destruction of Merchant Ships under International Law, pp. 18-20.

³⁵ James Brown Scott, "Editorial Commentary," American Journal of International Law, Vol. 10 (1916), pp. 114-15.

³⁶ President William McKinley, "Proclamation of April 26, 1898," Foreign Relations of the United States (1898), pp. 772-3.

37 Garner, International Law and the World War, I, p. 399.

38 Borchard and Lage, Neutrality for the United States, pp. 117-22, note this in their criticism of the State Department memo which superseded Lansing's armed ship memo of January 18, 1916; Garner, International Law and the World War, I, pp. 399-400, where Garner maintains that Marshall's opinions in The Nereide case were misused during the World War.

39 Ibid.

40 The Catherine Elizabeth, 5 Rob. 232-3 (1804); see also Oppenheim, International Law, II, p. 266.

41 The Nereide, 9 Cranch 407 (1815).

42 Ibid., pp. 406-7.

43 The Atalanta, 3 Wheaton 415, 433 (1818).

44 Oppenheim, International Law, II, p. 858.

45 The Elseble, 5 Rob. 173-6 (1804).

46 Saloucci v. Johnson, Park, Marine Insurance (3rd ed. 1796), pp. 79, 363-5 (1783); also see Francis Deak and Phillip C. Jessup, "Early Prize Court Procedure," part 2, University of Pennsylvania Law Review, Vol. 82 (1933-4), p. 820, n. 81.

47 The Fanny, I Dod. 443-9 (1814); also see Oppenheim, International Law, II, p. 858, n. 2.

48 Higgins, "Armed Merchant Ships," pp. 706, 712-14, 720-22.

49 Oppenheim, International Law, II, p. 559, n. 1.

50 Professor Ellery C. Stowell, "Status of Armed Merchantmen," Proceedings of the American Society of International Law, Vol. 11 (1917), p. 22; also see Oppenheim, International Law, II, pp. 262-3.

51 Garner, International Law and the World War, I, pp. 401-2. Also see Hackworth, Digest of International Law, Vol. VI, p. 490; Phillipson, International Law and the Great War, p. 28.

52 There seems to be some controversy over which articles Triepel objected to, with most authorities citing article 12 as the most disputed article. Cf. Hackworth, Digest of International Law, Vol. VI, p. 490. Garner (International Law and the World War, I, p. 402) and Higgins ("Armed Merchant Ships," p. 714) maintain that Triepel objected to the second paragraph of article 12. Both authorities cite Annuaire de l'Institut de Droit International, 26 (1913), pp. 516-17, as their source. However, a careful reading of those pages indicates that Professor Triepel demanded the suppression of paragraph 3 of article 13. It is quite possible that the French and English versions of the Oxford Manual of Naval War varied slightly in numbering the articles, because the translation by James Brown Scott, given in Resolutions of the Institute of International Law, ed. J. B. Scott (New York: Oxford Univ. Press, 1916), p. 177, would seem to indicate that the article that Professor Triepel objected to would be article 12 in the English version of the Manual. These articles, 12 and 13, are as follows:

"ARTICLE 12. Privateering, private vessels, public vessels not war-ships. Privateering is forbidden.

"Apart from the conditions laid down in Articles 3 and following, neither public nor private vessels, nor their personnel, may commit acts of hostility against the enemy.

"Both may, however, use force to defend themselves against the attack of an enemy vessel.

"ARTICLE 13. Population of unoccupied territory. The inhabitants of a territory which has not been occupied who, upon the approach of the enemy, spontaneously arm vessels to fight him, without having had time to convert them into war-ships in conformity with Articles 3 and following, shall be considered as belligerents, if they act openly and if they respect the laws and usages of war."

53 Annuaire de l'Institut de Droit International, 26 (1913), pp. 516-17.

54 Ibid., 521.

55 Ibid., pp. 516-21. This does not mean that Triepel was completely alone in his opinions. Mr. von Bar of Gottingen proposed an amendment to paragraph 3 of article 13 that acts of defense by merchant vessels be limited to those permitted by the laws of war. The amendment was defeated. See also Garner, International Law and the World War, I, p. 402, n. 2.

56 Heinrich Triepel, "Der Widerstand feindlicher Handelsschiffe gegen die Aufbringung," Zeitschrift für Völkerrecht, Bd. VIII, (1914), pp. 391-7.

57 Ibid., p. 281.

58 Ibid., pp. 392-4.

59 Ibid., pp. 393-4.

60 Garner, International Law and the World War, I, p. 402, n.1. Garner uses the phrase "are determined by the State into whose power it falls!", which closely approximates the German text cited below: Triepel, "Der Widerstand feindlicher Handelsschiffe gegen die Aufbringung," p. 397.

"Völkerrecht ist aber Recht zwischen Staaten und nur zwischen Staaten. Die Frage, mit der wir es zu tun haben, ist also, wenn man juristisch korrekt verfahren will, nicht so zu stellen: hat der feindliche Kauffahrer ein Recht des Widerstandes? Der Kauffahrer ist nicht Rechtssubjekt des Völkerrechts; welche 'Rechte' er besitzt, entscheidet, je nachdem, das Recht seines Landes oder des Staates, in dessen Gewalt er gelangt."

61 Dr. Georg Schramm, "Resistance Against the Lawful Exercise of Stoppage, Visit and Search and Capture," trans. from his treatise "Das Prisenrecht in seiner neuesten Gestalt" (Berlin, 1913), pp. 308-10, by T. H. Thiesing, Legislative Reference Div., Library of Congress, Senate Doc. 332, 64th Cong., 1st sess., 1915-16, Vol. 42 (6952), pp. 39-40; Hackworth, Digest of International Law, VI, p. 490. Hackworth indicates that only part of the original document was translated in this version. See also Garner, International Law and the World War, I, p. 403.

62 Ibid.

63 Francs-tireurs were irregular bodies of armed men formed in France in 1870-71 during the Franco-Prussian War. Prussia refused to recognize them as lawful belligerents because they were not part of the regular armed forces of France and they did not wear proper uniforms. Hall, International Law, p. 555. The term francs-tireurs as used within the context of armed merchantmen refers to armed crew members who are not part of the organized armed forces of the State and therefore may be treated as criminals.

64 Garner, International Law and the World War, I, p. 405, n.2, quoting Dr. Hans Wehberg, Handbuch des Völkerrechts Land- und Seekriegsrecht, Bd. VI: Das Seekriegsrecht (zweite abteilung: b. Stuttgart: Verlag von W. Kohlhammer, 1915), pp. 283-4. See also Oppenheim, International Law, II, p. 468, n. 5, for more works on the controversy of defensive armament.

65 Garner, International Law and the World War, I, p. 403. Garner continues his essay with a discussion of the long and heated

debate over the issues surrounding merchant vessels between Dr. Schramm and the English authorities on international law, A. Pearce Higgins and Oppenheim.

⁶⁶ Ibid., p. 405. The other two writers have already been mentioned. They were Triepel and Schramm.

⁶⁷ Jonkeer W. J. M. von Eysinga, "Armed Merchantmen," trans. from his "Les navires de commerce armés," in International Law Association, Reports of the Executive Council for 1913-14 and 1914-15, Embodying the Papers Prepared for the Conference Intended to Have Been Held at the Hague in 1914, p. 171, trans. by C. E. Rice, Legislative Reference Division, Library of Congress, Senate Doc. 332, 64th Cong., 1st sess., 1915-16, Vol. 42 (6952), p. 43. See also Hackworth, Digest of International Law, VI, p. 490.

⁶⁸ Garner, International Law and the World War, Vol. I, p. 405.

⁶⁹ von Eysinga, "Les navires de commerce armés," trans. in "Armed Merchantmen," Senate Doc. 332, 64th Cong., 1st sess., 1915-16, Vol. 42 (6952), p. 43.

⁷⁰ Liszt, Das Völkerrecht, pp. 502, 524.

⁷¹ Kunz, Kriegsrecht und Neutralitätsrecht, p. 118.

⁷² Declaration of Paris, American Journal of International Law, Supp. 1 (1907), pp. 87-90; Oppenheim, International Law, II, pp. 768-9.

⁷³ Bell, History of the Blockade of Germany, p. 31; Marion Siney, The Allied Blockade of Germany 1914-1916 (Ann Arbor: Univ. of Michigan Press, 1957), p. 15. In 1912, the British had revised previous plans to establish an effective blockade of Germany in the event of war, Because Britain did not have the necessary naval forces to do so.

⁷⁴ Diplomatic Correspondence Between the United States and Belligerent Governments Relating to Neutral Rights and Commerce, American Journal of International Law, Special Supp. 9 (July, 1915), p. 5; also see Phillipson, International Law and the Great War, pp. 330-3.

⁷⁵ Hugo Grotius, The Rights of War and Peace, Including the Law of Nature and of Nations, trans. A. C. Campbell (Washington and London: M. Walter Dunn, 1901), p. 293; Moore, Digest of International Law, pp. 7, 660; Tucker, Laws of War and Neutrality at Sea, pp. 50, 263; Colombos, International Law of the Sea, p. 677; Oppenheim, Inter-

national Law, II, pp. 801-2; Baty and Morgan, War, Its Conduct and Legal Results, pp. 370-3.

76 Diplomatic Correspondence Between the United States and Belligerent Governments, American Journal of International Law, Special Supp. 9 (July, 1915), pp. 2-3.

77 Declaration of London, Article 23, American Journal of International Law, Supp. 3 (1909), p. 197; Siney, Allied Blockade, p. 21. Siney contends that Article 23 allows items to be changed from conditional to absolute contraband with notice.

78 James Garner, "Some Questions of International Law in the European War--Contraband, Right of Search and Continuous Voyage," American Journal of International Law, Vol. 9 (1915), pp. 387-90; ibid., "Blockades," p. 850; Simeon E. Baldwin, "The 'Continuous Voyage' Doctrine During the Civil War, and Now," American Journal of International Law, Vol. 9 (1915), pp. 794-6; Alexander Holtzoff, "Some Phases of the Law of Blockade," American Journal of International Law, Vol. 10 (1916), p. 62; cf. Oppenheim, International Law, II, pp. 819, 820. Oppenheim insists that some continental writers did accept continuous voyage.

79 Baldwin, "The 'Continuous Voyage' Doctrine," pp. 799-801; Garner, "Some Questions of International Law--Blockades," pp. 852-4.

80 Carlton Savage, The Policy of the United States Toward Maritime Commerce in Time of War (Washington: United States Government Printing Office, 1934-6; rpt. New York: Kraus Reprint Co., 1969), Vol. I, pp. 466-76.

81 Garner, "Some Questions of International Law--Contraband, Right of Search and Continuous Voyage," p. 395; ibid., "Blockades," p. 853.

82 Ibid., "Contraband, Right of Search and Continuous Voyage," p. 393. Also see following sources for a discussion of British use of continuous voyage based on U. S. precedent: Oppenheim, International Law, II, pp. 461, 816-23; Hall, International Law, pp. 723-34; Tucker, Law of War and Neutrality at Sea, p. 270, n. 12.

83 Diplomatic Correspondence Between the United States and Belligerents, American Journal of International Law, Special Supp. 10 (October, 1916), p. 52.

84 Liszt, Das Völkerrecht, pp. 513-14; Wehberg, Handbuch des Völkerrechts Land- und Seekriegsrecht, Bd. 6, p. 450.

⁸⁵ Ibid., p. 451.

⁸⁶ Oppenheim, International Law, II, pp. 817, 820; Hall, International Law, p. 720; Bell, The Blockade of Germany and the Central Powers, p. 41; Wehberg, Das Seekriegsrecht, pp. 113-16.

⁸⁷ Bell, Blockade of Germany and the Central Powers, pp. 42-3; ibid., pp. 115-16.

⁸⁸ Paul Heilborn, "Weltkrieg und Seekriegsrecht," Wörterbuch des Völkerrechts und der Diplomatie, fortgesetzt und herausgegeben von Dr. Karl Strupp (Berlin and Leipzig: Walter de Gruyter & Co., 1929), Bd. 3, p. 483; Arno Spindler, ed., Der Handelskrieg mit U-Booten (Berlin: E. S. Mittler & Sohn, 1932), Bd. I, p. 18; Wehberg, Das Seekriegsrecht, p. 450; Bell, Blockade of Germany and the Central Powers, pp. 40-1.

⁸⁹ Heilborn, "Weltkrieg und Seekriegsrecht," p. 483.

⁹⁰ Ibid.

⁹¹ Julius Hatschek, Völkerrecht, als System Rechtlich Bedeutsamer Staatsakte (Leipzig: Dr. Werner Scholl, 1923), p. 343; Heinrich Triepel, Konterbande, Blockade und Seesperre, Meerskunde, Vorträge XII Heft 3 (1918), pp. 9-14; Liszt, Völkerrecht, pp. 542-50; Spindler, Der Handelskrieg mit U-Booten, I, p. 18-19; Heilborn, "Weltkrieg und Seekriegsrecht," p. 483.

⁹² Diplomatic Correspondence Between the United States and Belligerent Governments, American Journal of International Law, Spec. Supp. 9 (July, 1915), pp. 55-60; Foreign Relations of the United States, 1914 Supp. (Washington: United States Government Printing Office, 1923), pp. 360-61; Hans Wehberg, Von Tirpitz und das Deutsche Seekriegsrecht, Deutsche Kriegsschriften 15 Heft (Bonn: A. Marcus & E. Webers, 1915), p. 16; Carlton Savage, Policy of the United States Toward Maritime Commerce in War (Washington: United States Government Printing Office, 1936), II (1914-1918), pp. 4-9; Borchard and Lage, Neutrality for the United States (New Haven: Yale University Press, 1937), pp. 34, 67-69. Borchard and Lage accuse the United States of unneutrality beginning in August, 1914, because she did not protest British violations of international law vigorously enough and because she was inherently sympathetic to Britain. Furthermore, United States policies favored the British. Also see Richard Van Alstyne, "The Policy of the United States Regarding the Declaration of London, at the Outbreak of the Great War," Journal of Modern History, Vol. VII, No. 4 (December, 1935), pp. 434-47.

93 Heilborn, "Weltkrieg und Seekriegsrecht," p. 484; Triepel, Konterbande, Blockade und Seesperre, pp. 4-7; Wehberg, Tirpitz und Seekriegsrecht, p. 18.

94 Bell, Blockade of Germany and the Central Powers, pp. 198-99.

95 Gibson and Prendergast, German Submarine War, pp. 2-5.

96 Ibid., pp. 8, 347, 356-7; Lieut. Otto Weddigen, "The Submarine's First Triumph," Source Records of the Great War, ed. Charles F. Horne (U. S. A.: National Alumni, 1932), II, p. 296.

97 Bodo Herzog, "Vor 50 Jahren: Der Erfolg von Weddigen am 22. September 1914," Marine-Rundschau, 61 (1974), p. 272. Roughly, the passage translates as follows:

"Commander of the U-boat Wilhelmshaven 19/9/1914

TOP SECRET!

Order for the U-9

Large trooptransport are approaching Ostende. As soon as the weather allows, the U-9 is to sail and is to take a lookout post near Ostende. Probable favorable position between the North Hinder light-ship and Ostende. Attack all warships and transport ships. Additional orders through the Chief of the Second Section. Return according to your own judgment. Report your departure.

signed Bauer"

98

Weddigen, "The Submarine's First Triumph," p. 296; Gibson and Prendergast, The German Submarine War, p. 8; Herzog, "Vor 50 Jahren...", pp. 271-2; Earl Brassey, Brassey's Naval Annual, 1915, ed. John Leyland (London: William Clawses and Sons, Ltd., 1915), pp. 37-40. The New York World, October 11, 1914, published Weddigen's account as released by the German government.

99 Weddigen, "The Submarine's First Triumph," p. 297; Herzog, "Vor 50 Jahren...", p. 272; Gibson and Prendergast, German Submarine War, p. 8.

100 Arthur J. Marder, From the Dreadnought to Scapa Flow, the Royal Navy in the Fisher Era, 1904-1919, Vol. II: The War Years to the Eve of Jutland (London: Oxford Univ. Press, 1965), p. 55.

101 Charles F. Horne, ed., Source Records of the Great War (U. S. A.: National Alumni, 1932), II, p. 295.

102 Gibson and Prendergast, German Submarine War, pp. 356-7.

103 Weddigen, "Submarine's First Triumph," p. 297; Herzog, "Vor 50 Jahren....," p. 273; James B. Howell, "Davids of the Deep: How Under-Water Warfare is Affecting Naval Strategy, the Story of 'U-9,'" Sunset, 33 (Dec., 1914), p. 1088. According to Sunset, p. 1080, this story discomfited the British Admiralty. See Gibson and Prendergast, German Submarine War, pp. 8-9; also see Edmond Delage, La Guerre Sous les Mers (Paris: Bernard Grasset, 1934), pp. 14-16; Vice Admiral Sir Arthur Hezlet, The Submarine and Sea Power (New York: S. D. Stein and Day Publishers, 1967), pp. 27-29; Winston S. Churchill, The World Crisis (New York: Charles Scribner's Sons, 1951), I, pp. 351-4.

104 Marder, From the Dreadnought to Scapa Flow, II, pp. 55-6.

105 Herzog, "Vor 50 Jahren....," p. 273.

106 Commander Bertram W. L. Nicholson, "The Submarine's First Triumph," Source Records of the Great War, ed. Charles F. Horne (U. S. A.: National Alumni, 1932), II, pp. 300-1.

107 Herzog, "Vor 50 Jahren....," p. 274; Nicholson, "The Submarine's First Triumph," p. 301; Horne, Source Records of the Great War, II, p. 296; Gibson and Prendergast, German Submarine War, p. 7; Marder, From the Dreadnought to Scapa Flow, II, pp. 55-6.

108 Ibid.

109 Weddigen, "The Submarine's First Triumph," p. 300; Los Angeles Examiner, September 23, 1914, Vol. XI, No. 286, front page.

110 Ibid. An extract from von Tirpitz' war letters dated September 26, 1914, indicates that the Kaiser telephoned him to congratulate him on the accomplishments of the U-9. Grand Admiral von Tirpitz, My Memoirs (London: Hurst and Blackett, Ltd., 1919), II, p. 467; Marder, From the Dreadnought to Scapa Flow, II, p. 59. "The Emperor was reported to be in 'seventh heaven' over the sinking of the 'Cressys.'"

111 Marder, From the Dreadnought to Scapa Flow, II, p. 55.

112 Herzog, "Vor 50 Jahren....," p. 274. Roughly, the passage translates as follows: "It was horrible! When one sees how the men slide helplessly from the ship's side into the water. I was no longer able to watch."

- 113 Ibid., p. 275; Tirpitz, My Memoirs, II, p. 518.
- 114 Marder, From the Dreadnought to Scapa Flow, II, pp. 97-8; Churchill, The World Crisis, I, p. 408. In a letter to Sir John French of 26/10/14, Churchill makes this statement: "Out of twenty-five submarine attacks only five have been effective, and only on ships of no value."
- 115 Gibson and Prendergast, German Submarine War, p. 10.
- 116 Ibid., pp. 10, 12.
- 117 Bell, Blockade of Germany and the Central Powers, p. 199; also see Brassey, Brassey's Naval Annual, 1915, p. 43.
- 118 Tirpitz, My Memoirs, II, p. 576.
- 119 May, World War and American Isolation, pp. 113-15; Lamar Cecil, Albert Ballin: Business and Politics in Imperial Germany (Princeton: Princeton Univ. Press, 1967), p. 272.
- 120 Bell, Blockade of Germany and the Central Powers, p. 203; Karl E. Birnbaum, Peace Moves and U-Boat Warfare (Archon Books, 1970), p. 22. Bauer submitted his plan on October 8, 1914 which was to be used as a reprisal, because of British mine fields in the Straits of Dover. The British announced the existence of this mine field on October 2. Spindler, La Guerre Sous Marine, I, pp. 11-15, 215-16.
- 121 Bell, Blockade of Germany and the Central Powers, p. 203; Spindler, Der Handelskrieg mit U-Booten, I, p. 6: Kapitän-leutenant von Hennig of the U-18 first entered the English Channel on Sept. 27, 1914. Spindler records the following entry from von Hennig's log: "Zahlreiche Handelsdampfer passierten von und nach den Downs. Nach meiner Ansicht würde das Versenken einiger Handelsdampfer durch U-Boote eine vielleicht ungeahnte Wirkung auf die öffentliche Meinung und das wirtschaftliche Leben in England ausüben. Die Durchführung wäre jedenfalls weniger schwierig als das Legen von Minensperren."
- 122 Bell, Blockade of Germany and the Central Powers, pp. 203-5; Spindler, Der Handelskrieg mit U-Booten, I, pp. 8-9.
- 123 Bell, Blockade of Germany and the Central Powers, pp. 205-6; Birnbaum, Peace Moves and U-Boat Warfare, p. 23; Spindler, Der Handelskrieg mit U-Booten, I, pp. 8-9.
- 124 Birnbaum, Peace Moves and U-Boat Warfare, p. 23; Bell, Blockade of Germany and the Central Powers, pp. 207-9; Spindler, Der Handelskrieg mit U-Booten, I, pp. 29, 54-7, 60.

125 United States Foreign Relations Supplement 1914, p. 460; James W. Garner, "International Law in the European War," American Journal of International Law, Vol. 9 (1915), p. 87.

126 United States Foreign Relations Supplement 1914, p. 464.

127 Siney, The Allied Blockade of Germany 1914-1916, p. 29; Garner, International Law and the World War, I, p. 332, n. 3. Garner cites sources indicating that all charges regarding German minelaying practices were false.

128 Siney, The Allied Blockade of Germany 1914-1916, pp. 51, 54-5; Ernst Schmitz, "Sperrgebiete im Seekrieg," Zeitschrift für ausländisches öffentliches Recht und Völkerrecht, 8 (1938), pp. 648-9; Savage, Policy of the United States Toward Maritime Commerce in War, II, p. 233.

129 "Editorial Commentary," American Journal of International Law, Vol. 9 (1915), pp. 469-70; Garner, "International Law in the European War," pp. 87-93; Charles H. Stockton, "Submarine Mines and Torpedoes in Time of War," American Journal of International Law, Vol. 2 (1908), p. 280; Alexander P. Higgins, "Mines and the Hague Convention," The Times, 14 Sept. 1914, p. 13, cols. 1-2; also Oppenheim, International Law, II, pp. 471-2; Colombos, International Law of the Sea, pp. 532-3. Article 2 of the 1907 Hague Convention reads as follows, according to the American Journal of International Law, Supplement 2 (1908), p. 140: "It is forbidden to lay submarine mines off the coast and ports of the enemy, with the sole object of interrupting commercial navigation."

130 Alexander P. Higgins, The Hague Conference (Cambridge: Cambridge Univ. Press, 1909), p. 343; also Garner, "International Law in the European War," p. 90. Satow referred to the language of article 3 of the Hague Convention, which is as follows, according to the American Journal of International Law, Supplement 2 (1908), p. 140: "When anchored submarine mines are employed, every possible precaution must be taken for the security of peaceful shipping."

"The belligerents undertake to see, in as far as it is possible, that these mines become harmless within a certain interval, and in case they should cease to be looked after, to notify as soon as military exigencies permit, those engaged in navigation, and the governments through the diplomatic channel, of the danger zones." See also Hall, International Law, p. 570; Phillipson, International Law and the Great War, pp. 374-5; Heinrich Pohl, "Sperrgebiet," Wörterbuch des Völkerrechts und der Diplomatie, fortgesetzt und herausgegeben von Dr. Karl Strupp (Berlin und Leipzig: Walter de Gruyter & Co., 1929), Bd. 3, p. 1063; Wehberg, Seekriegsrecht, p. 81; Alexander P. Higgins, "Ships in Strategic Areas," The Times, 21 Oct. 1914, p. 6, cols. 1-2.

131 Higgins, "Mines and the Hague Convention," p. 13.

132 United States Foreign Relations Supplement 1914, pp. 467-9, The Ambassador in Germany (Gerard) to the Secretary of State, Nov., 13, 1914; also Karl Hollweg, Unser Recht auf den U-Boots Krieg (Berlin: Ullstein & Co., 1917), pp. 114-15.

133 Pohl, "Sperrgebiet," p. 1063.

134 Triepel, Konterbande, Blockade und Seesperre, p. 36; Schmitz, "Sperrgebiete im Seekrieg," pp. 644-46; Pohl, "Sperrgebiet," p. 1063; also Garner, International Law and the World War, I, p. 342; Garner, "International Law and the European War," pp. 89-92; "Should the Right to Establish War Zones on the High Seas be Recognized...?", Proceedings of the American Society for International Law, Vol. 10 (1916), pp. 71-107.

135 Colombos, International Law of the Sea, p. 529, n. 1; Schmitz, "Sperrgebiete im Seekrieg," p. 645, cites the ideas of George Grafton Wilson contained in International Law Situations 1912, Naval War College, p. 122. Also G. G. Wilson makes the following statement in Proceedings of the American Society for International Law, 10 (1916), p. 103: "There were war zones established during the Russo-Japanese War, which were recognized as perfectly valid war measures, by all the people in the world who were concerned. Those war zones were established as much for the benefit of neutrals as for the benefit of belligerents." However, Baty and Morgan, War: Its Conduct and Legal Results, p. 224, disagree, writing: "Can an incident in the Far East, and the views of war colleges and navy boards deprive neutrals of the primary right to navigate the high seas in safety and where they please? We do not think so..." Cf. Liszt, Das Völkerrecht, pp. 511-12. See also Oppenheim, International Law, II, p. 682, n. 2, for a comment on Liszt.

136 Triepel, Konterbande, Blockade und Seesperre, p. 32; Pohl, "Sperrgebiet," p. 1064; Paul Heilborn, "Der Verschärfte Seekrieg," Zeitschrift für Völkerrecht, Vol. 9 (1915), p. 58; also Schmitz, "Sperrgebiete im Seekrieg," pp. 647-69; Hatschek, Völkerrecht, p. 205; Richard Fuss, Der U-Bootkrieg des Jahres 1915 (Stuttgart: Kohlhammer, 1936), pp. 6-7; Wehberg, Von Tirpitz und das Deutsche Seekriegsrecht, pp. 36-7.

137 Bell, Blockade of Germany and the Central Powers, p. 206; Spindler, Der Handelskrieg mit U-Booten, I, pp. 8-9.

138 Bell, Blockade of Germany and the Central Powers, p. 206.

- 139 Spindler, Der Handelskrieg mit U-Booten, I, p. 54; also Bell, Blockade of Germany and the Central Powers, p. 206. Also see Fritz Fischer, Germany's Arms in the First World War (New York: W. W. Norton Company & Co., Inc., 1967), p. 282.
- 140 Oppenheim, International Law, II, p. 563.
- 141 Bell, Blockade of Germany and the Central Powers, pp. 206-7.
- 142 Phillipson, International Law and the Great War, pp. 380-5.
- 143 Colombos, International Law of the Sea, p. 531; Mallison, Submarines in General and Limited Wars, p. 132.
- 144 Garner, International Law and the World War, I, pp. 335-6, 353-4.
- 145 Ibid., p. 339.
- 146 Ibid., p. 352, n. 1.

CHAPTER II

THE DECISION FOR SUBMARINE WAR

The German Admiralty first advocated the use of the submarine as a commerce destroyer. Discussions about this use of the weapon took place in early 1914 among naval authorities,¹ and Admiral Hugo von Pohl had made the first formal request for commercial submarine war. The chief advocates for the use of the submarine in this manner in 1914-1915 were naval officials. The submarine was still a relatively primitive weapon of war, but it was, nevertheless, chosen as the most potentially effective method of dealing with the British blockade.² When the decision to use the submarine as a commerce destroyer was made in February 1915, Germany had a total of twenty-seven submarines that were allocated for use in the North Sea and the Baltic Sea; of those, one was at sea, fifteen were at base and eleven were in the shipyard. Twenty-one submarines assigned to the North Sea were the force that the German Admiralty proposed to use against British commerce.³ And of these, twelve were older, gasoline powered submarines which were only suited for use in the English Channel. The other nine U-boats were diesel powered and were capable of sailing to the western coast of England; the largest of these carried ten torpedoes.⁴

The navy itself was a relatively new institution that had never seen battle. Unlike the army, which carried the greatest burden of the war, the navy had no experienced senior officer corps.

The admiralty had not wanted war in 1914, because it was not ready for the long anticipated war with England. The army, on the other hand, was prepared for war and thought it necessary and beneficial at that time.⁵ Germany had not yet created the fleet which was needed to do battle with the seasoned and dominant British Fleet, and her Admirals wanted to forestall the war for another five years so that this would be possible.⁶ Naval strategy from the beginning of the war was designed to avoid major sea battles with England, because Germany knew that her new fleet would be blown out of the water by superior forces. The primary goals of German naval strategy were to break the British blockade of Germany and to damage British commerce. British forces supporting the blockade were to be diminished through minelaying and minor attack or "by offensive sweeps with battle cruisers." Submarines were to aid this war of attrition whenever possible. Only when the British fleet had been reduced to the approximate size of the German fleet would major battles occur.⁷

The new navy was plagued by internal problems which were exacerbated by the war. Most of the naval officers were from bourgeois family backgrounds, but strove to emulate the social status and privilege of the Prussian Army, which drew most of its officers from the noble and Junker classes. The Admirals themselves were proof that the sons of the middle classes could achieve positions of power and prestige in the navy. Naval Secretary, Grand Admiral Alfred von Tirpitz, was the son of a country court judge and Admiral Georg von Müller, Chief of the Naval Cabinet, was the son of an agri-

cultural chemist.⁸ Admirals von Tirpitz and von Müller had been recently ennobled; von Tirpitz, for example, was ennobled in 1900. The lesser naval officers, who functioned as engineers and mechanics, were from the lesser classes and chafed at distinctions of dress, living quarters, pay rates and social privileges. Although the deck officers and engineer officers dropped all demands for social reform within the navy in 1914, everyone expected a short war, and the social injustices continued as did the initial discontent.⁹

The submarine campaign offered a limited, though badly needed, outlet for the idle navy. The German people failed to understand why the expensive new navy was not used in battle; that was, after all, its purpose. Meanwhile, the British Fleet was all pervasive, and England had just declared the North Sea to be a war zone. As a relatively new institution, the navy was in the process of acquiring prestige and respect and, therefore, the loss of that respect was a serious matter. And it was losing prestige and respect because the army was the center of publicity as the protector of the Fatherland. Furthermore, Tirpitz had expressed fears that naval appropriations would be cut if the naval forces were not used, with the available funds then put at the disposal of the army.¹⁰

The submarine war offered the opportunity to use a new weapon, to employ otherwise idle naval personnel and to fire the imagination of the people with spectacular naval events. All of these factors were points in favor of the use of the submarine. Submarine officers were drawn from volunteer lieutenants junior grade and full lieutenants of the executive officer corps. As these more capable and experienced

officers were incorporated into the submarine corps, younger, less mature officers and cadets replaced them. The submarine service attracted the more experienced deck and petty officers, so that overall discipline and morale declined among surface naval personnel.¹¹

Also, the most able engineer officers were taken into the submarine service, aggravating the existing shortage of these men.¹² The rapid promotion of junior officers to submarine commanders engendered ill feelings among senior executive officers who were expected to go through traditional methods of promotion.¹³ Thus the effect of the extended use of the submarine sharpened internal naval problems.

Holger Herwig, in The German Naval Officer Corps, maintains that by September, 1916, the majority of executive officers openly advocated and agitated for unrestricted submarine warfare. Lieutenant-Commander Ernst von Weizsäcker, a member of the Naval Cabinet under Vice Admiral Holtzendorff, was convinced that this was a decisive factor in the decision for unrestricted submarine warfare. He felt that the activities of the officer corps in this instance was "irresponsible."¹⁴

According to Karl E. Birnbaum, in Peace Moves and U-Boat Warfare, many people in Germany became convinced that the war could be ended successfully through the use of U-boat warfare. This public enthusiasm for the use of the submarine was caused by the early U-boat successes of 1914 and by Admiral von Tirpitz' interview with the American journalist Karl von Wiegand, Berlin correspondent for the United Press,¹⁵ in November, 1914.¹⁶ The interview served to focus public attention on the Admiral who was described at the end of the interview as the most likely successor to Chancellor Bethmann Hollweg. Ritter, in The Sword and the Scepter, charges that Tirpitz'

statements were made "indirectly and without the slightest official authorization." Furthermore, they were motivated by a desire to commit naval policy to the submarine campaign, rather than to sound out American public opinion as purported.¹⁷ On the other hand, Bell's version of the Tirpitz interview maintains that the Admiral had just barely gotten out of bed when Wiegand arrived and "had been taken unawares."¹⁸

The interview of November, 1914, which appeared in the New York Sun on December 23, 1914, quoted Tirpitz as saying that Germany could defeat Britain with the submarine.

"England wants to starve us!" he claimed. "We can play the same game. We can bottle her up and torpedo every English or Allies ship which nears any harbor in Great Britain thereby cutting off large food supplies."¹⁹

Although the Foreign Ministry had opportunity to prevent the interview from being published, it was under the impression that the press dispatches had already been sent abroad, and simply passed it on; moreover, its consequences were not foreseen.²⁰ May contends that the dispatches had, in fact, not left Germany at this point.²¹

Tirpitz was heavily criticized by other members of government for these statements given in the interview with von Wiegand. The Chancellor felt that these opinions given by the Naval Secretary of State, the foremost authority on submarine warfare, encouraged popular propaganda in the press in favor of submarine warfare which could not be curbed. The interview had touched off a popular U-boat movement which was carried by its own momentum, penetrating the very heart of the nation, according to Bethmann Hollweg: "Von nun an war

der U-bootkrieg nicht mehr aus dem Herzen der Nation zu reißen."²²

Spindler has indicated that relations between Admiral Tirpitz and Admiral Pohl were strained as a result of the incident.²³ Captain Albert Gayer charged that Tirpitz had alerted Britain to a possible submarine offensive, thus giving her the opportunity to mount a counteroffensive.²⁴

Tirpitz denied the charges of revealing military operations in his memoirs; he maintained that he was attempting to determine what American public opinion was and to prepare it for the advent of German submarine war.

These considerations led one, with a view to sounding and also to preparing public opinion in the United States, to receive the American journalist von Wiegand in November 1914, and to ask him what America, who had submitted to the absolutely unscrupulous breaches of maritime law by the English, would say if we were to reply with a submarine blockade as we were clearly entitled to do. With the assent of the Foreign Office, the interview was published. It was later alleged that this course betrayed in advance the idea of the submarine campaign, and had roused the English unnecessarily. Both allegations are unsubstantial and irrelevant. The employment of submarines against English merchantmen had already been discussed in the press in the early stages of the war, and indeed even before the war; and if there ever was any prospect of forcing the British Government to place a limit to their disregard of maritime law it could only be by holding a loaded pistol at their heads. No political consequences need be considered until the pistol was fired.²⁵

The possibility of using the submarine as a commerce destroyer had been mentioned in newspapers and in fiction prior to the war. However, there is nothing to indicate that the British Admiralty had anticipated a German submarine campaign. Admiral Sir John Fisher was apparently the only member of the British Admiralty who had predicted that possibility. And several members of the German Naval Department have stated that a commercial submarine campaign was never

considered before the war, although Lieutenant Blum had submitted a plan in May 1914 to blockade England with 222 submarines.

Ernest May, in The World War and American Isolation, indicates that Tirpitz received most of the support for his ideas from editorials published in papers associated with the navy. As the head of the Naval Department of the Government, Tirpitz controlled an independent press bureau which supplied sympathetic newspapers with information favorable to the navy. In addition, Tirpitz maintained political connections in the Reichstag and other political associations in the royal family and public life, which he used as vehicles for his political opinions.²⁶ May characterizes Tirpitz as: "The only member of the imperial government who was truly adept in manipulating parliamentary and public opinion, Tirpitz was a formidable antagonist for the Chancellor."²⁷

Throughout his analysis of the decision in favor of U-boat war, May emphasizes the irrational element; the fact that submarine enthusiasts within the Admiralty Staff let their enthusiasm have full rein. Of this matter, he writes:

...the majority submerged their doubts. Neutral shipowners, they reasoned, would be frightened away from English ports. If the campaign were masked as retaliation against British interference with trade, neutral governments might even cooperate in the blockade. A few sinkings would meanwhile strike terror into English shippers as to halt sailings. Many officers relied on a hypothetical account, printed before the war, of England's strangulation by a handful of submarines. This confidence-inspiring estimate had appeared in The Strand magazine over the name of Sir Conan Doyle. When an admiral was asked after the war to explain the Naval Staff's miscalculations, he indicated blushinglly that the navy had put too much faith in Sherlock Holmes.²⁸

Oddly enough, references to the influence of Conan Doyle's short story "Danger!", published in The Strand in 1913, appear in the writings of several naval officers. In his memoirs, von Tirpitz mentions this article as one of the many factors contributing to the submarine warfare decision. "Of course war on merchantmen involved considerations such as have been dealt with by Percy Scott and, in fiction, by Conan Doyle who was ready to destroy England with four submarines."²⁹ Captain Albert Gayer, in a piece entitled "Summary of Submarine Operations in the Various Theaters of War from 1914-1918," mentions the article as a possible factor in the Admiralty Staff decision.

The English author, Sir Conan Doyle, had written a pamphlet before the war describing how a small country, with the aid of only seven submarines, could force Great Britain to sue for peace. Since the problem appeared so easy to Sir Conan Doyle, it possibly explains why such remarkable optimism existed in high places in regard to our own problem. They were possibly influenced by Doyle's exposé. (In time of peace, no particular preparations were made for the employment of submarines as commerce raiders.)³⁰

Admiral Eduard von Capelle, Under-Secretary for the Navy in 1914-1915, Tirpitz' successor in 1916, and the "admiral" referred to by May above, testified before a Reichstag committee after the war on this very issue.

As a matter of fact, among the marine experts themselves, there was a surprisingly large number, the most active leader of which was Admiral v. Tirpitz, who felt that the numbers of U-boats that we had would be absolutely sufficient. And it was my view, too, that our number would have fully sufficed to begin the ruthless U-boat war. The only thing to be really considered is the result, the effect. (Laughter.) And I may make the following statement here: Gentlemen, it is well known that there was published in England before the war a pamphlet which described U-boat warfare in an absolutely masterly manner and which attracted a great deal of attention. This was a pamphlet written by Conan Doyle. According to this pamphlet,

a successful U-boat war was carried on against England, by eight U-boats.³¹

The plan advanced by the German admirals in 1915 bears, moreover, a curious resemblance to Conan Doyle's fictional account. Commander Bauer, who was in charge of the submarine force, submitted the plan in December 1914 which Admiral Pohl attempted to implement in February 1915.³² Bauer's proposal was to blockade England with four submarines which would be permanently stationed in four different positions; one submarine would be positioned on the eastern coast of England, another in the English Channel and two on the west coast of England.³³ The Admiralty Staff, however, felt that six or seven U-boats would be needed to blockade the western coast of England. Admiral Arno Spindler records that this plan indicated that three submarines would be stationed in the Irish Sea, one in the Bristol Channel, two in the west exit of the English Channel, and one in the east entrance. It was estimated that ten U-boats would be needed at any given time.³⁴ Admiral Eduard von Capelle testified before the Reichstag Budget Committee, on March 28 and 29, 1916, that a successful submarine campaign could be executed with at least three permanent stations, each occupied by one U-boat. In addition, three submarines would remain on the high seas west of England and these would cover a range of 600 miles.³⁵ Considering that Germany had but twenty-one submarines at her disposal for use in the North Sea in February, 1915, and only fourteen submarines available as of March 10, 1916 for the North Sea, these plans seem, indeed, optimistic.³⁶ Gerhard Ritter painstakingly records the absurdity of blockading the 1,700 mile

coast of England with a handful of submarines which could barely attain a surface speed of twenty knots. Passage through the English Channel was imperilled by minefields which forced the tiny U-boats to journey around Scotland to reach their stations in the Irish Sea.³⁷ The U-22 had counted one hundred steamers traveling to and from through the Firth of Forth, on the North Sea, on a single day in September 1914; and traffic on the western coast was significantly greater.³⁸

The circumstances contributing to the decision for submarine warfare and the rationale of the Chancellor's assent to that decision have not been sufficiently explained. Admiral Hugo von Pohl was, however, the motivating force. In January, 1915, the Admiralty Staff reversed its opposition to the commercial submarine war and began to support Pohl in his demands, because it was believed that England could be defeated within a few weeks, if the arrival of Argentinian wheat supplies could be prevented. Once these shipments reached England, she would be able to resist the German submarine assault for an indefinite period of time. Since it was estimated that England had but six or seven weeks worth of food supplies, the campaign must start at once. Naval intelligence indicated that complications with neutral states need not be a factor in this decision, because neutral shipping would simply cease. Also, recent Admiralty reports indicated either indifference or enthusiasm toward the incipient U-boat war on the part of Holland and the Scandinavian countries, for the Swedish Queen was reputedly eagerly anticipating the advent of the submarine war.³⁹ Meanwhile, the United States protested British

interference with neutral commerce and Ambassador Johann von Bernstorff reported that Anglo-American relations were increasingly strained.⁴⁰ The Admiralty reports were later described by the official Naval Historian, Admiral Arno Spindler, as insufficient and unreliable ("unzureichend und unzuverlässig").⁴¹

Karl E. Birnbaum has stated that although the Admiralty Staff supported Pohl "in principle, [it] did not expect him to succeed in getting his own way in the near future."⁴² The Admiralty Staff did not expect a decision on the question in the near future, because of the political objections, and was apparently astonished by Pohl's accomplishment.⁴³

Admiral von Pohl used the arguments set forth in the Admiralty Staff report of January to gain the consent of the Chancellor, Bethmann Hollweg. By all accounts, the Chancellor was persuaded by the force of public opinion, which had grown to a fever pitch, and by Pohl's assurances. Naval authorities who were in a position to influence press reports favored the use of the submarine as an effective means of ending the war and had used the press to publicize their point of view. For example, Tirpitz had told von Wiegand that Germany could end the war by using the submarine and this interview had appealed to many influential people who wanted the war terminated. Matthias Erzberger, the Zentrum party leader, published a political piece entitled No Sentimentality, which argued that submarine war begin immediately. Many prominent men in industry, government and the universities publicly supported the submarine campaign.⁴⁴ When Bethmann returned to Berlin from headquarters in late January, 1915, he found that he was accused of being an Anglophile ("Englandfreundlich-

keit) in some Reichstag circles, because of his opposition to the use of the submarine.⁴⁵

On February 1, 1915, Bethmann Hollweg; Pohl; Arthur Zimmermann, Assistant Foreign Secretary; Clemens Delbrück, Minister of Home Affairs; and Chief of the General Staff, General Erich von Falkenhayn, met in order to discuss the U-boat question. No minutes were kept and the only record of the meeting was provided through the account of Zimmermann some years later. The Chancellor doubted that twenty U-boats would be sufficient to blockade England and he expressed apprehension about the reaction of neutral states. Pohl insisted that the number of submarines was adequate to inflict heavy damage on England in a short time. Furthermore, he said, complications with neutrals need not be a problem. It would be possible, assured Pohl, for U-boat commanders to distinguish between enemy and neutral steamers and that the appropriate instructions would be issued. Spindler observes that this assurance impressed the Chancellor.⁴⁶ Also Pohl promised that a sea lane would remain open around Scotland through the North Sea so that American grain shipments might reach Belgium.⁴⁷ According to May, all the advisors at this meeting were in favor of the submarine war and urged the Chancellor to endorse it.⁴⁸

Bethmann Hollweg, "the man of everlasting doubt and hesitation,"⁴⁹ notified Pohl, by telephone, on February 2, 1915, of approval of the U-boat war.⁵⁰ By his own admissions, the Chancellor had simply relied too heavily on Admiralty Staff opinions. Thus he lamentably penned these words in his Betrachtungen zum Weltkriege:

Auf mich selbst ist, wie ich nicht leugne, im Winter 1914/15 die Zuversicht der Marine nicht ohne Eindruck geblieben. Ich

habe mich den schon damals sehr dringenden Forderungen des Admiralstabes nicht mit der letzten Schärfe widersetzt. Dagegen habe ich aus den Erfahrungen des Jahres 1915 nicht den Schluss ziehen können, dass im Jahre 1916 der unbeschränkte Ubootkrieg einsetzen könne und darum auch einsetzen müsse.⁵¹

The manner in which Pohl, who was scheduled to replace Admiral Friedrich von Ingenohl as Commander of the High Sea Fleet on February 4, 1915, obtained the Emperor's signature for the U-boat directive was roundly condemned by the rest of the Naval Staff. Pohl was eager to make this his final act before leaving his post as Chief of the Admiralty Staff. Without consulting either the Secretary of State for the Navy, Grand Admiral von Tirpitz, or Admiral Müller, Chief of the Naval Cabinet, as protocol dictated, Pohl simply presented the Kaiser with the proposal on February 4, during the ceremonies at Wilhelmshaven on the occasion of Pohl's installation as Chief of the High Sea Fleet. Admiral Müller gives this account in his diary:

Morning in Wilhelmshaven in glorious weather. Pohl did the honours as Commander-in-Chief, in which capacity he reported to the Kaiser.

Aboard the tug, from the yard to the Seydlitz, which had suffered heavy damage on the 24th January in the Battle of the Dogger Bank, he gave the Kaiser details of the U-boat blockade against England which, unknown to me, had been agreed with the Chancellor, apparently on the strength of State-Secretary Delbrück who had declared that in an emergency we could also feed the Belgians (7 millions) until the next harvest. The whole matter was proof of the inadequacy of the Chancellor [This harsh judgment was an expression of my mood at the time. One was apt to forget on occasions the valuable aspects of Bethmann-Hollweg's character. I once spoke quite frankly to him on his suitability as Reichschancellor, admitting that I should be in favour of a change if I had known anyone better. He considered this to be a fair comment. Nor did I ever find anyone better, even when he was dismissed in the summer of 1917] and of the personal ambition of v. Pohl, who at the start of his new career as Commander-in-Chief wished to show off with this piece of pirate bravado.

During the conversation, I happened to be below in the little cabin and could not hear the gist of Pohl's speech from the stern, otherwise I should have intervened very energetically in this brow-beating of the Kaiser. Tirpitz who was standing next to him could have done this himself.⁵²

Admiral Pohl published the declaration that day with his signature, and the Foreign Office accordingly notified neutral states.⁵³ Thus the American Ambassador, James W. Gerard, received the following copy of the decree which he transmitted to Secretary of State William Jennings Bryan.

Berlin, February 4, 1915, 8 pm

German Admiralty issues the following proclamation: The waters surrounding Great Britain and Ireland including the whole English Channel are hereby declared to be comprised within the seat of war and that all enemy merchant vessels found in those waters after the eighteenth instant will be destroyed although it may not always be possible to save crews and passengers.

Neutral vessels expose themselves to danger within this zone of war since in view of the misuse of the neutral flag ordered by the British Government on January thirty-first and of the contingencies of maritime warfare it cannot always be avoided that neutral vessels suffer from attacks intended to strike enemy ships.

The navigation routes around the north of the Shetlands, in eastern part of the North Sea and in a strip of at least thirty sea miles in width along the Dutch coast are not open to the danger zone. Foreign Office transmits long explanatory memorandum which is being sent by mail but can be cabled if desired.

Gerard.⁵⁴

Thus one of the most important decisions of the entire war was made without adequate preparation and discussion of the issues. Both Tirpitz and Admiral Gustav Bachmann, who replaced Pohl as Chief of the Admiralty Staff, had expressed doubts about the feasibility of the plan. Admiral von Tirpitz had advocated a plan to blockade the Thames and felt that the war zone proposal was poorly planned both

politically and navally. Bachmann had learned of the proposed submarine operation on February 2 and had protested that there were not enough U-boats or bases for a successful campaign. Pohl insisted that the matter had already been approved by the Chancellor, Foreign Office and the General Staff and that the Emperor's consent would be forth coming.⁵⁵

Admiral Reinhold Scheer, Pohl's successor as Commander-in-Chief in 1916, observed that Pohl's hasty actions made things awkward, because he failed to consult Admiral Tirpitz who was to supply the materials needed for the campaign. Furthermore, the campaign could not be carried out as Pohl had planned, because of the reactions of the neutral states.⁵⁶ After he assumed his new post, Pohl had had to inform Admiral Bachmann that there were not as many submarines as he had thought when he had issued the war zone declaration.⁵⁷

The severest critic of Pohl's action was Pohl's rival and opponent, the Grand Admiral von Tirpitz, who was so angry over the situation that he thought of resigning.⁵⁸ Yet it was he who was standing beside Pohl when Pohl secured the Kaiser's approval and had failed to intervene. Furthermore, it was Tirpitz who was at the fountainhead of U-boat enthusiasm as expressed in the popular press. Thus Gerhard Ritter charges that Tirpitz' criticism of Pohl served as an alibi, for both he and Bachmann subsequently defended the war zone decree and refused to allow any concessions.⁵⁹ Ernest R. May doubts the ambitious Pohl's sanity, because he was a dying man.⁶⁰

There was no cohesive naval policy on the matter, and there had been no discussion or agreement on political or foreign policy.

Since the Chancellor was no expert on nautical affairs, it had not occurred to him to inquire about the feasibility of the campaign. He had simply relied on the assurances of Pohl that there would be no problems with neutrals, because neutral trade was supposed to cease. Questions regarding the continuance of neutral traffic, misuse of flags, the status of neutral crews and cargoes carried in British bottoms were left unasked. Bethmann had not realized that the Admiralty considered concessions to neutrals contradictory to the war zone decree and the entire submarine campaign.⁶¹

Neutral response to the February 4 decree was negatively expressed in official government circles and press reports.⁶² The harshest response came from the United States which cabled a rather lengthy reply on February 10, 1915, which read in part as follows:

If the commanders of German vessels of war should act upon the presumption that the flag of the United States was not being used in good faith and should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights which it would be very hard indeed to reconcile with the friendly relations now so happily subsisting between the two Governments.

If such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas.⁶³

According to May's account, Bethmann and the Secretary of State for Foreign Affairs, Gottlieb von Jagow, concluded that the declaration was a mistake and should be withdrawn.⁶⁴ The Foreign Office

had previously cautioned that should the United States enter the war, the results would be disastrous; because of her enormous economic power, she could prolong the war for an unspecified length of time.⁶⁵

Furthermore, other neutrals such as Italy, the Balkan States and the Scandinavian States might also declare war should the United States do so.⁶⁶

Karl Birnbaum observes that from this period on the principal object of German foreign policy was to prevent the United States from entering the war without surrendering the right to submarine warfare.⁶⁷ Consequently, the Foreign Office drafted a reply to the United States which was designed to allay fears that Germany intended to hurt neutrals. Germany praised the American protest of the British misuse of the American flag and indicated that, if Britain ceased this practice, U-boats would not attack vessels flying the American flag.⁶⁸

As Ritter writes, this was a half-measure, because there was no certainty that the U-boats could accurately identify American vessels through a periscope and no indication that Britain would quit using American flags. Moreover, President Wilson had expressed concern for the safety of American lives and property as well as for American vessels; and, it was the loss of life that was to be the cause of controversy. Although the Foreign Office was willing to make compromises, the admirals were not, for they anticipated that some neutral vessels would be sunk and felt that the shock effect would be beneficial.⁶⁹ The admirals thus refused to consider a compromise. Bachmann accordingly issued a statement to neutrals saying that there would be no additional assurances of safety for neutral vessels venturing into the war zone and that they simply ought not to sail to

England.⁷⁰

The Kaiser appealed to General von Falkenhayn for advice on the matter in the presence of Admiral Müller and Colonel Karl von Treutler, the Foreign Ministry's representative at Supreme Headquarters. Representing the Chancellor's views, Colonel Treutler insisted that some concession must be made in order to assure that the United States would not resort to drastic measures in response to the war zone decree. General Falkenhayn agreed that steps must be taken in order to prevent America from entering the war under all circumstances. He suggested that the admirals be asked whether England would be forced to modify her stance after six weeks of commercial submarine war, and to what extent this was possible. And the Kaiser so ordered.⁷¹

The Naval Secretary and his associates received the Kaiser's telegram with a great deal of skepticism and suspicion, as Admiral Tirpitz records in his memoirs:

We had puzzled for hours over the telegram of the Chief of the Naval Cabinet and the answer to be returned to it. We arrived at the conviction that the question as to the six weeks was designed to force us to answer in the negative, with a view to the use of our opinion to justify a surrender to the Americans. I still remember Admiral von Capelle's remark: "A silly question deserves a silly answer." It was unreasonable and contrary to all principles of warfare to attempt to pin us to such a limited period; and on the other hand it was in fact reasonable to suppose that the great effects, at that time limited by no counter-measures, of even a relatively small number of submarines would force England to yield and fall back on the Declaration of London. This was the first of those unhappy attempts to fix limits for the performance of warlike operations which were so frequent and so dangerous in later stages of the war. I always regarded such attempts as altogether wrong, but both now and later the navy was forced to submit.⁷²

Thus the Naval Staff sent the following response to the Kaiser: "Secretary of State and Chief of Naval Staff are convinced that England will modify attitude within six weeks of opening of new campaign if all available forces be energetically employed from the start."⁷³

Although the Kaiser felt that this reply was evasive, he allowed the Admiralty Staff to assist the Foreign Office in redrafting the note to the United States, and consequently the note imparted the more abrasive opinions of the admirals.⁷⁴ Germany repeated the warning contained in the February 4 decree but maintained that she only intended to damage British commerce. The difficulty in assuring the safety of American goods was the British misuse of the American flag. However, American vessels were given a limited assurance of safe passage.

The German Government therefore welcome the fact that the American Government have made representations to the British Government relative to the use of their flag contrary to law and give expression to the expectation that this action will cause England to respect the American flag in future.

In this expectation the commanders of the German submarines have been instructed, as was already stated in the note of the fourth instant, to abstain from violence to American merchant vessels when they are recognizable as such.

In order to meet in the safest manner all the consequences of mistaking an American for a hostile merchant vessel the German Government recommended that (although this would not apply in case of danger from mines) the United States convoy their ships carrying peaceable cargoes and traversing the English seat of maritime war in order to make them recognizable. In this connection the German Government believe it should be made a condition that only such ships should be convoyed as carry no merchandise which would have to be considered as contraband according to the interpretation applied by England against Germany. The German Government are prepared to enter into immediate negotiations with the American Government relative to the manner of convoy. They would, however, be particularly grateful if the American Government would urgently advise their merchant vessels to avoid the English seat of maritime war, at any rate until the flag question is settled.⁷⁵

At the end of the note, there was a vague indication that Germany would abandon the U-boat campaign should Britain decide to observe the Declaration of London and allow legitimate trade, food stuffs and raw materials, to flow into Germany. Apparently the navy had agreed to include this statement only because of assurances by the Foreign Office that Britain would not agree to it.⁷³

Apparently the United States never considered the possibility of convoying merchantmen, because there is very little discussion of this subject in official correspondence. Counselor for the State Department Robert Lansing said that it would be too dangerous to use convoys because American war vessels would be imperilled by submarine mines. Lansing also said that this measure would not benefit American commerce adequately; he concluded that "convoy is out of the question."⁷⁷ The Wilson Administration offered a compromise proposal based on the statement in the German note which indicated that Germany would relinquish the submarine campaign if Britain would adhere to the Declaration of London. This modus vivendi became the subject of negotiations between the United States, Britain and Germany.

NOTES TO CHAPTER II

¹ Captain A. Gayer maintains that the possibility of using the submarine as a commerce destroyer was discussed prior to Captain Wedigen's first sinkings in 1914. "Summary of German Submarine Operations in the Various Theaters of War from 1914 to 1918," p. 625; also see Holger Herwig, The German Naval Officer Corps: A Social and Political History, 1890-1918 (Oxford: At the Clarendon Press, 1973), p. 187. Herwig maintains that Admiral Scheer advocated unrestricted submarine warfare in 1914.

² Admiral Scheer, Germany's High Sea Fleet in the World War (London: Cassel & Co., Ltd., 1933), pp. 220-1. Also see Bell, History of Blockade of Germany and the Central Powers, p. 210. Bell says that Admiral Ingenohl was being replaced by Pohl in Feb. 1915 because Pohl favored a restricted use of the fleet, so that the only naval plan being considered was a submarine offensive at this point.

³ Gibson and Prendergast, German Submarine War, p. 354; Andreas Michelsen, Der U-Bootskrieg 1914-1918 (Leipzig: Kase & Koehler, 1925), pp. 182-3.

⁴ May, World War and American Isolation, p. 115.

⁵ Holger Herwig, "Admirals versus Generals: The War Aims of the Imperial German Navy, 1914-1918," Central European History, Vol. 5, No.3 (Sept., 1972), p.211.

⁶ Ibid.

⁷ Bell, History of the Blockade of Germany and the Central Powers, pp. 36-7, 198; also see Scheer, Germany's High Sea Fleet in the World War, pp. 219-20.

⁸ Jonathan Steinberg, "The Kaiser's Navy and German Society," Past and Present, Vol. 28 (1964), p. 106.

⁹ Herwig, German Naval Officer Corps, p. 164.

¹⁰ May, World War and American Isolation, p. 114; also see Herwig, German Naval Officer Corps, pp. 186-7.

¹¹ Ibid., p. 192.

¹² Ibid., p. 155.

- 13 Ibid., pp. 192-3, also p. 73, 191.
- 14 Ibid., p. 188.
- 15 New York Times, June 8, 1961, p. 35, col. 2; also see Arthur S. Link, Woodrow Wilson: The Struggle for Neutrality (Princeton: Princeton Univ. Press, 1956), p. 314.
- 16 Birnbaum, Peace Moves and U-Boat Warfare, p. 25, n. 9.
- 17 Gerhard Ritter, The Sword and the Scepter: The Problem of Militarism in Germany, Vol. III: The Tragedy of Statesmanship—Bethmann Hollweg as War Chancellor (1914-1917), trans. Heinz Norden (Coral Gables: Univ. of Miami Press, 1972), p. 19.
- 18 Bell, History of the Blockade of Germany and the Central Powers, p. 211.
- 19 New York Sun, 23 Dec. 1914, as cited in Charles C. Tansill, America Goes to War (1938; rpt. Gloucester: Peter Smith, 1963), p. 227; May, World War and American Isolation, p. 116, n. 11. May notes that this is more subdued than the original text contained in Politische Dokumente, II, pp. 623-7: "Wir können dasselbe Spiel treiben, England einschliessen und jedes Schiff verstören, das die Blockade zu durchbrechen versucht." This differs with Arno Spindler's version in Der Handelskrieg mit U-Booten, I, p. 35: "England will uns aushungern; wir können dasselbe Spiel treiben, England einschliessen, jedes englische Schiff oder jedes seiner Verbündeten, das sich irgendeinem Hafen Englands oder Schottlands nähert, torpedieren und dadurch den grösseren Teil der Nahrungsmittelzufuhr abscheiden."
- 20 May, World War and American Isolation, p. 117; Bell, History of the Blockade of Germany and the Central Powers, p. 211; Theobald von Bethmann-Hollweg, Betrachtungen zum Weltkriege, Vol. II: Während des Krieges (Berlin: Reimer Hobbing, 1921), p. 121.
- 21 May, World War and American Isolation, p. 117.
- 22 Bethmann Hollweg, Betrachtungen zum Weltkriege, II, p. 121.
- 23 Spindler, Der Handelskrieg mit U-Booten, I, pp. 35-6.
- 24 Gayer, "Summary of Submarine Operations in Various Theaters of the War," p. 625; also Spindler, Der Handelskrieg mit U-Booten, I, p. 35.

²⁵ Grand Admiral von Tirpitz, My Memoirs (London: Hurst & Blackett Ltd., n.d., ca. 1919), II, p. 392.

²⁶ May, World War and American Isolation, pp. 116, 94.

²⁷ Ibid., pp. 94-5.

²⁸ Ibid., p. 115. May indicates in note 9 that Tirpitz had told Bethmann Hollweg that he felt that neutral governments might cooperate in the blockade if it was justified as a retaliation; this information was exchanged in an interview of Jan. 27, 1915.

²⁹ Tirpitz, My Memoirs, II, p. 577.

³⁰ Gayer, "Summary of Submarine Operations in the Various Theaters of War," p. 625.

³¹ Official German Documents Relating to the War, Carnegie Endowment for International Peace (New York: Oxford Univ. Press, 1923), I, p. 594. Also see Spindler, La Guerre Sous-Marine, I, p. 198. The story in question was written by Doyle for a rather specific purpose; it was meant to alert the British Government to the danger of a possible U-boat war waged by Germany. Doyle had read Germany and the Next War, which was written by General Friedrich von Bernhardi, Chief of the Military History section of the German General Staff. He was alarmed by Bernhardi's description of the coming war with England. Doyle then wrote a number of political tracts on the subject, including one entitled "Great Britain and the Next War," which were designed to influence governmental policies; he felt that a tunnel ought to be built under the English Channel so that England might not be separated from her allies. "Great Britain and the Next War," Arthur Conan Doyle, The German War (London: Hodder & Stoughton, 1914), pp. 136-7; reprinted from Fortnightly Review, 1913. These attempts to influence governmental policy did not bring results quickly enough, so Doyle wrote the short story "Danger!", which was published in The Strand in 1913, just prior to the opening session of Parliament. The proposal to build the tunnel was being discussed at that session. Doyle circulated copies of "Danger!" to a number of authorities on naval matters, inviting them to publish their views in The Strand. Admiral Sir Percy Scott and Sir Douglas Owen, Professor at the London School of Economics were the only ones who responded to Doyle's offer. Pierre Norden, Conan Doyle: A Biography (New York: Holt Rhinehart and Winston, 1967), pp. 86-90.

³² Ritter, Sword and the Scepter, III, p. 120.

³³ Spindler, Der Handelskrieg mit U-Booten, I, p. 71; also Ritter, Sword and the Scepter, III, p. 120. Ritter lists these as

one submarine on the east coast, one in the eastern part of the Channel and one in the Irish Sea.

34 Spindler, Der Handelskrieg mit U-Booten, I, pp. 75-6; also see Ritter, Sword and the Scepter, III, p. 120.

35 Official German Documents Relating to the War, I, pp. 567-8; also see Ritter, Sword and the Scepter, III, p. 519, n.5.

36 Gibson and Prendergast, German Submarine War, pp. 354-5. As of Feb. 10, 1915, Germany had 21 submarines allotted to use in the North Sea, but none of these were at sea, 14 were at base and 7 were at the shipyard. On March 10, 1916, with 14 available submarines for the North Sea, 3 were at sea, 3 were at base and 8 were at the shipyard.

37 Ritter, Sword and the Scepter, III, pp. 120-1.

38 Spindler, Der Handelskrieg mit U-Booten, I, p. 6; Ritter, Sword and the Scepter, III, p. 121.

39 Birnbaum, Peace Moves and U-Boat Warfare, pp. 23-5; May, World War and American Isolation, p. 120; Spindler, Der Handelskrieg mit U-Booten, I, pp. 66-9.

40 May, World War and American Isolation, p. 120.

41 Birnbaum, Peace Moves and U-Boat Warfare, p. 25, n. 7; Spindler, Der Handelskrieg mit U-Booten, I, p. 69; Ritter, Sword and the Scepter, III, p. 126.

42 Birnbaum, Peace Moves and U-Boat Warfare, p. 24, n. 3.

43 Spindler, Der Handelskrieg mit U-Booten, I, p. 77.

44 May, World War and American Isolation, p. 117; Spindler, Der Handelskrieg mit U-Booten, I, pp. 70, 79-80; Birnbaum, Peace Moves and U-Boat Warfare, p. 25; Ritter, Sword and the Scepter, III, pp. 124-5; Bell, History of the Blockade of Germany and the Central Powers, p. 211.

45 Spindler, Der Handelskrieg mit U-Booten, I, pp. 79-80; Ritter, Sword and the Scepter, III, p. 125; May, World War and American Isolation, p. 117; also Klaus Epstein, Matthias Erzberger and the Dilemma of German Democracy (Princeton: Princeton Univ. Press, 1959), p. 153.

46 Spindler, Der Handelskrieg mit U-Booten, I, p. 79. "Diese Zusicherung hätte nicht verfehlt, Eindruck auf den Reichskanzler zu machen." Also see Ritter, Sword and the Scepter, III, pp. 125-6; Bell, History of the Blockade of Germany and the Central Powers, p. 212; Konrad H. Jarausch, The Enigmatic Chancellor, Bethmann Hollweg and the Hubris of Imperial Germany (New Haven: Yale Univ. Press, 1973), p. 273.

47 Spindler, Der Handelskrieg mit U-Booten, I, p. 85; Ritter, Sword and the Scepter, III, p. 126.

48 May, World War and American Isolation, p. 121.

49 Ritter, Sword and the Scepter, III, p. 125.

50 Spindler, Der Handelskrieg mit U-Booten, I, p. 80; May, World War and American Isolation, p. 121; Jarausch, Enigmatic Chancellor, pp. 273-4. (Note 14 on page 274, contained on page 499, indicates that the Chancellor was only consulted during preliminary discussions of the U-boat campaign and was not present during the Immediatvortrag.)

51 Bethmann Hollweg, Betrachtungen zum Weltkriege, II, p. 116; also Spindler, Der Handelskrieg mit U-Booten, I, p. 80-5; Bell, History of the Blockade of Germany and the Central Powers, p. 212. Bell renders this partial translation: "I must admit without disguise, that in the winter of 1914, the confidence of the naval leaders made an impression on me. I did not strongly resist the urgent representations of the naval staff."

52 Walter Görlitz, ed., The Kaiser and His Court: The Diaries, Note Books and Letters of Admiral Georg Alexander von Müller Chief of the Naval Cabinet, 1914-1918 (New York: Harcourt, Brace & World, 1964), pp. 62-3; also see Jarausch, The Enigmatic Chancellor, p. 274, n. 14 (n. on p. 499). "For a vivid narrative of how the navy brass stampeded William II into a decision when he could not consult the civilian leadership," see Karl Georg von Treutler, Die grau Exzellenz, zwischen Staatsräson und Vasallentreue aus den Papieren des Kaiserlichen Gesandten, herausgegeben von Karl-Heinz Janssen (Frankfurt/Main, Berlin: Verlag Ullstein GmbH, 1971), pp. 192ff.

53 May, World War and American Isolation, p. 122.

54 Papers Relating to the Foreign Relations of the United States 1915, Supplement (Washington: United States Government Printing Office, 1928), p. 94. Spindler, Der Handelskrieg mit U-Booten, I, p. 87, gives the German version as follows:

"Bekanntmachung und Denkschrift vom 4. Februar 1915
(Kriegsgebietserklärung)
Bekanntmachung

1. Die Gewässer rings am Grossbritannien und Irland einschliesslich des gesamten Englischen Kanals werden hiermit als Kriegsgebiet erklärt. Vom 18. Februar 1915 an wird jedes in diesem Kriegsgebiet angetroffene feindliche Kauffahrtsschiff zerstört werden, ohne dass es immer möglich sein wird, die dabei der Besatzung und Passagieren drohenden Gefahren abzuwenden.

2. Auch neutrale Schiffe laufen im Kriegsgebiet Gefahr, da es angesichts des von der Britischen Regierung am 31. Januar angeordneten Missbrauchs neutraler Flaggen und der Zufälligkeiten des Seekrieges nicht immer vermieden werden kann, dass die auf feindliche Schiffe Angriffe auch neutrale Schiffe treffen.

3. Die Schifffahrt nördlich um die Shetland-Inseln, in dem öftlichen Gebiet der Nordsee und in einem Streifen von mindestens 30 sm Breite entlang der niederländischen Küste ist nicht gefährdet).

Berlin, den 4. Februar 1915.

Der Chef des Admiralstabes der Marine
v. Pohl."

55 Tirpitz, My Memoirs, II, pp. 396-7; May, World War and American Isolation, p. 124.

56 Scheer, Germany's High Sea Fleet in the World War, p. 226.

57 Ritter, Sword and the Scepter, III, p. 126.

58 Ibid., p. 127; May, World War and American Isolation, p. 124.

59 Ritter, Sword and the Scepter, III, p. 127.

60 May, World War and American Isolation, p. 124; Scheer, Germany's High Sea Fleet, pp. 94-5. Pohl became seriously ill on January 8, 1916 and died on February 23. He was replaced by Admiral Scheer on January 18. According to Görlitz, The Kaiser and His Court, p. 125, Pohl died of cancer of the liver. He kept his illness a secret as long as possible.

61 Ritter, Sword and the Scepter, III, p. 126; Birnbaum, Peace Moves and U-Boat Warfare, p. 25; Spindler, Der Handelskrieg mit U-Booten, I, p. 83.

62 Birnbaum, Peace Moves and U-Boat Warfare, p. 26; Ritter, The Sword and the Scepter, III, p. 127; May, World War and American Isolation, pp. 122-3.

⁶³ Papers Relating to the Foreign Relations of the United States 1915, Supplement, p. 99.

⁶⁴ May, World War and American Isolation, p. 123.

⁶⁵ Spindler, Der Handelskrieg mit U-Booten, I, pp. 54-7, Zimmermann to Bethmann Hollweg, November 3, 1914; May, World War and American Isolation, p. 119.

⁶⁶ Spindler, Der Handelskrieg mit U-Booten, I, pp. 54-7; May, World War and American Isolation, p. 123.

⁶⁷ Birnbaum, Peace Moves and U-Boat Warfare, p. 26.

⁶⁸ Spindler, Der Handelskrieg mit U-Booten, I, pp. 110-14. On pg. 112 Spindler makes the following statement about ships carrying contraband: "Was den Angriff auf feindliche Handelsschiffe durch deutsche Unterseeboote betrifft, so erhalten die Kaiserlichen Seeoffiziere selbstverständlich den bestimmten Befehl, Schiffe unter neutraler Flagge, soweit sie als solche erkennbar sind, und nicht etwa Konterbande führen, nicht weiter zu belästigen." May, World War and American Isolation, p. 123. May renders this approximation: "...and that, if necessary, U-boats would be ordered not even to molest neutral flags carrying contraband." Ritter, Sword and the Scepter, III, p. 128. Ritter gives this version: "The German foreign ministry drafted a reply promising that ships under neutral flags would not be troubled further, if they could be identified as neutral and if they carried no contraband."

⁶⁹ Ibid., p. 128; also May, World War and American Isolation, p. 123.

⁷⁰ Ibid., p. 125; Spindler, Der Handelskrieg mit U-Booten, I, pp. 101-3.

⁷¹ May, World War and American Isolation, p. 125; Ritter, Sword and the Scepter, III, p. 129; Tirpitz, My Memoirs, II, p. 400.

⁷² Ibid., p. 401.

⁷³ Ibid.

⁷⁴ May, World War and American Isolation, p. 126; Ritter, Sword and the Scepter, III, p. 129.

⁷⁵ Papers Relating to the Foreign Relations of the United States 1915, Supplement, p. 115, the Ambassador in Germany (Gerard) to the Secretary of State, Feb. 17, 1915.

⁷⁶ Ritter, Sword and the Scepter, III, p. 129, n. 26 (n. on p. 521).

⁷⁷ Papers Relating to the Foreign Relations of the United States: The Lansing Papers, 1914-1920 (Washington: United States Government Printing Office, 1939; rpt. New York: Kraus Reprint Co., 1971), p. 360, newspaper text of the German note of February 16, 1915 with comments by the Counselor for the Department of State (Lansing) of Feb. 18, 1915.

CHAPTER III

THE BRITISH BLOCKADE AND THE DESTRUCTION OF THE FALABA AND THE LUSITANIA

The German war zone decree of February 4 had intimated that, if Britain would agree to allow the importation of food stuffs and raw materials, Germany would discontinue the submarine war. Although Robert Lansing, Counselor for the American State Department, suspected that Germany issued this statement because she believed that Britain would not agree to it,¹ both he and the Secretary of State, William Jennings Bryan, felt that the United States should offer a compromise in order that the war zone declaration might be rescinded. Consequently, Lansing and Bryan drafted a proposal that Britain allow Germany to import food stuffs to be used exclusively by the civilian population, that both Germany and Britain agree not to use submarines against merchant vessels, that mines not be used on the high seas, and that belligerent merchant vessels refrain from using neutral flags as ruse de guerre. This modus vivendi was issued February 20, 1915.²

Although the German Foreign Office was willing to accept the compromise as proposed, Admirals Tirpitz and Bachmann insisted on certain conditions which rendered the proposal impossible for the British to accept. Germany must be allowed to import raw materials in addition to food supplies, and German merchantmen should be allowed to use neutral flags and carry German goods to German ports. The Foreign Office felt that Britain would not agree to this. The Kaiser was called upon

to decide how the situation should be resolved, and he turned to Admiral von Müller for advice. The Chief of the Naval Cabinet replied that he would have to support the Chancellor, and the Kaiser thus ordered that Secretary of State for Foreign Affairs, Gottlieb von Jagow, and the Chancellor, Bethmann Hollweg, should reply as they saw fit.³ The German reply of March 1, 1915 substantially accepted the American modus vivendi, agreeing that, if neutral flags were not used as ruse de guerre, submarines would not attack merchant vessels of any flag except to enforce the right of visit and search; furthermore, mines would not be sown on the high seas. The importation of raw materials included on the free list of the Declaration of London was requested in addition to the importation of food; both of these items would be used exclusively by the civilian population.⁴

The British Foreign Office felt that the proposal was not in the best interests of England, because Germany would receive vast food supplies, should the compromise be accepted, while England might be spared a few vessels which would otherwise be sunk by submarines. It hardly seemed a fair bargain considering the meager results of the submarine war, and, therefore, Britain refused the proposal.⁵

When the American Ambassador to Great Britain, Walter Hines Page, received the British response on March 13, 1915, Britain had already issued the Order in Council of March 11, 1915, which in effect announced a blockade of Germany. Although the word blockade was not used in the announcement, the British Government intended "to prevent commodities of any kind from reaching or leaving Germany..." Goods which were in transit to a non-German port were liable to sei-

zure if the ultimate destination was German or if the goods were German. All vessels suspected of carrying merchandise bound for Germany or of German origin would be detained at a British or Entente port where the cases would be adjudicated through prize courts. The courts would condemn contraband; and non-contraband would either be requisitioned by the British government, or "detained or sold under the direction of the Prize Court." The proceeds of such sales would normally be disposed of after the peace settlement. Anyone who wanted to recover non-contraband goods, or the proceeds of such goods, had to petition the court in order to do so. The Order in Council was justified as a reprisal because of the February 4 war zone declaration, which exposed neutral vessels and persons to the uncertainties of warfare without any provisions for safety. The Order in Council, on the other hand, provided that "such measures will be enforced without risk to neutral ships or to neutral or non-combatant life, and in strict observance of the dictates of humanity."⁶ Thus Britain expanded the practice of continuous voyage in order to blockade Germany by seizing vessels regardless of their destination and whether or not they carried contraband. Thus Britain was using the prize court system to hinder neutral continental trade in order to curtail all German trade.

Although the term blockade was not used, this was the announcement of a blockade; however, it did not conform to the legal requirements of blockade, either in substance or method of execution. This violation of international law was justified as a reprisal because of the violations of the law by the enemy.⁷

The British Prime Minister, Herbert Asquith, defended this "unquestionable right of retaliation" in a speech before the House of

Commons on March 1, 1915.

Now the committee will have observed, from the statement I have just read out of the retaliatory measures we propose to adopt the words "blockade" and "contraband" and other technical terms of international law, do not occur, and advisedly so. In dealing with an opponent who has openly repudiated all the restraints, both of law and of humanity, we are not going to allow our efforts to be strangled in a network of judicial niceties. We do not intend to put into operation any measures which we do not think effective, and I need not say we shall carefully avoid any measures which violate the rules either of humanity or of honesty.⁸

In an article entitled "International Law and the European War," James Wilford Garner points out that the blockade was a blockade only of Germany in retaliation for her methods of submarine warfare. Since her allies, Turkey and Austria-Hungary, did not participate in the February 4, 1915 war zone declaration and did not use the methods of submarine warfare ascribed to Germany, neutral trade with these countries was permissible. Because Austria-Hungary bordered Germany and because German troops were stationed there, it would be more difficult to insure that imported goods were not destined for German use.⁹

Upon examining the Order in Council, Robert Lansing found the decree confusing and the fate of neutral trade uncertain; therefore, he proposed that the United States inquire as to the stipulations of the blockade concerning neutral trade so that the State Department might properly analyze the situation and formulate policy. Secretary Bryan agreed with Lansing's assessment of the matter, as did President Wilson, and consequently the United States sent Britain a note on March 5, 1915 outlining some of the problems entailed.¹⁰ The Wilson Administration considered the Order in Council confusing because it

seemed to announce the existence of a blockade and yet proceed as if none existed. On the one hand, Britain and France said that they would "detain and take into port ships carrying goods of presumed enemy destination, ownership or origin." However, they also stated that there was no intent "to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation."¹¹ The note, which was signed by Bryan, indicated that much of the confusion was due to the unprecedented nature of the blockade.

The first sentence claims a right pertaining only to a state of blockade. The last sentence proposes a treatment of ships and cargoes as if no blockade existed. The two together present a proposed course of action previously unknown to international law.

As a consequence neutrals have no standard by which to measure their rights or to avoid danger to their ships and cargoes. The paradoxical situation thus created should be changed and the declaring powers ought to assert whether they rely upon the rules governing a blockade or the rules applicable when no blockade exists.¹²

Secretary Bryan went on to elaborate other "perplexities" for neutrals embodied in the blockade. In conclusion, he urged restraint on the part of belligerents, while recognizing that the advent of the submarine made observance of the traditional rules of law governing blockades more difficult.

While this Government is fully alive to the possibility that the methods of modern naval warfare, particularly in the use of the submarine for both defensive and offensive operations may make the former means of maintaining a blockade a physical impossibility, it feels that it can be urged with great force that there should be also some limit to the "radius of activity," and especially so if this action by the belligerents can be construed to be a blockade.¹³

In a note to Secretary of State William J. Bryan of March 24, President Wilson stated that the United States would hold Britain to strict accountability should she violate American neutral rights without proper redress; however, he felt that Britain would satisfy neutral claims.

Ought we not to say, in effect: You call this a blockade and mean to maintain it as such; but it is obvious that it is unprecedented in almost every respect, but chiefly in this, that it is a blockade of neutral as well as belligerent coasts and harbours, which no belligerent can claim as a right. We shall expect therefore that the discretion lodged by the Order in Council in the administrative officers and courts of the crown will be exercised to correct what is irregular in this situation and leave the way open to our legitimate trade. If this is not done we shall have to hold you to a strict accountability for every instance of rights violated and injury done; but we interpret Sir Edward Grey's note to mean that this is exactly what will be done.¹⁴

Wilson drafted the United States's March 30, 1915 note of protest to the British government based on Counselor Lansing's suggestions of March 15.¹⁵ Both Lansing and Bryan believed that the note carried an adequate statement of American neutral rights, and Lansing felt that it would serve as a basis for any damage claims which might arise out of the execution of the blockade.¹⁶ The note observed that the intent of the blockade was the assertion of the supremacy of belligerent over neutral rights. "The Order in Council of the 15th of March would constitute, were its provisions to be actually carried into effect as they stand, a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace." The United States went on to assert her right to engage in trade of non-contraband goods with neutrals and with Germany.

According to international law, it is permissible for non-contraband to flow through neutral states to a blockaded belligerent, and the United States declared her right to trade with Germany in this manner.¹⁷

The British justified the blockade of neutral coasts as an extension of the Anglo-American practice known as the doctrine of continuous voyage. The American protest note of March 30 addressed itself to this problem by citing the December 1866 Civil War case of The Peterhoff in defense of American neutral rights. The Peterhoff was condemned for carrying contraband, and thus the United States was pointing out that the precedent of continuous voyage should apply only to contraband and not to non-contraband.

The British reply of July 23, 1915 stated that Britain was extending the American Civil War practice of continuous voyage elicited in the December 1866 case of The Springbok.¹⁸ Britain pointed out that, if only German ports were blockaded, Germany would merely transport her goods by rail and waterway to neighboring neutral states, which would then ship these German goods to foreign countries.¹⁹ Thus Germany could frustrate the blockade by her geographic position. For this reason, Britain created a new practice, that of ultimate destination, which meant that goods which might be ultimately destined for Germany or were owned by Germans, could be condemned regardless of whether the goods were imported or exported from neutral countries. And thus Britain offered the following rationale for this position:

As a counterpoise to the freedom with which one belligerent may send his commerce across a neutral country without compro-

missing its neutrality, the other belligerent may fairly claim to intercept such commerce before it has reached, or after it has left, the neutral state provided, of course, that he can establish that the commerce with which he interferes is the commerce of his enemy and not commerce which is bona fide destined for or proceeded from the neutral state. It seems accordingly, that if it be recognized that a blockade is in certain cases the appropriate method of intercepting the trade of an enemy country, and if the blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance.²⁰

The United States did not accept the British practices and continued to protest violations of the rights of American citizens. Britain proceeded with these policies regardless of protests and complaints.²¹ Also the British use of American precedents made it difficult for the United States to protest British violations of the law, particularly when both nations were using the same precedents to defend their positions. After he became Secretary of State, Robert Lansing followed a policy of prolonging American disputes with Britain through negotiations which involved a discussion of technical and controversial matters. Thus Lansing sought to build a case for future American claims which would be deferred until the war was over.²² This policy was approved by President Wilson.²³ Lansing was convinced that American interests were closely allied to the British cause, and by the summer of 1915, he was certain that the United States would eventually have to enter the war on the Entente side.²⁴ Daniel M. Smith, in "Robert Lansing and the Formation of American Neutrality," observes that the United States was biased in favor of the Entente Powers by the end of 1914.²⁵

Just as American policy toward Britain in March of 1915 was formulated in reaction to the blockade, American policies toward Germany at this time were formulated in reaction to the submarine campaign. From the beginning of this period, the Wilson Administration was to take a harsher stand toward German policies because of the resultant loss of American lives. Although American citizens were severely inconvenienced by the British blockade, Britain had made provisions for compensation for loss of goods and, furthermore, President Wilson believed that these measures would be adequate. The difficulty with the submarine campaign was that there was no way to compensate for loss of life. Whereas neutral civilians could traditionally expect to lose property as a consequence of war, the notion that they might also lose their lives at any time was novel and utterly shocking. Although the British blockade measures were unprecedented and patently illegal, the manner of disposing of property through prize courts, and ultimately settling accounts after the war, was the way things were usually done. On the other hand, no one was really sure what to expect from the submarine campaign. There were instances where German submarine captains had allowed merchant vessels to evacuate before destroying them, but, then again, some vessels had been destroyed without warning. The questions which plagued the American State Department in the spring of 1915 were: to what extent would Germany observe international law, and would there be any attempt to pay indemnities for loss of property and life? Ultimately the Wilson Administration was to take the position that indemnities were appropriate for loss of neutral property, but that

there could be no compensation for the loss of American neutral lives.

Several passenger liners carrying American citizens were destroyed by German submarines in March 1915. The Falaba was the first of these incidents to capture the attention of the American government. The 4,806-ton British passenger vessel was carrying 160 passengers and 100 crewmen on her voyage from Liverpool to West Africa, when she was sunk by Commander Baron von Forstner of the U-28 in St. George's Channel on March 28, 1915.²⁶ Among the 111 persons who perished in the sinking was an American citizen, Leon Chester Thrasher, a mining engineer who was employed in the Gold Coast and was returning to his post there.²⁷ By all passenger accounts, the Falaba was hailed by a submarine and given approximately ten minutes to evacuate the ship; and then it was torpedoed as life boats were still being lowered. A small trawler was reported to be within sight, and this was given as the reason for the submarine's haste. Passengers swore that the Falaba gave no resistance and one passenger, a Mr. Harry Dibley, insisted that the submarine flew the British flag. It was also reported that the submarine made no attempt to assist passengers.²⁸

The German account of the sinking insisted that the Falaba had attempted to flee and then had signalled for help. She stopped when the submarine approached within 500 meters and ordered the Falaba to evacuate in ten minutes; however, the torpedo was not fired until twenty-three minutes had elapsed and it was perceived that other "suspicious vessels" were approaching. The submarine had not attempted to assist passengers because the crew members were needed to operate the vessel and because the submarine was incapable of taking passengers aboard.²⁹

The whole case brought the question of submarine warfare into focus in regard to passenger vessels and required a definition of the American policy of "strict accountability" in regard to the death of the American citizen Thrasher. The fact that the Falaba had only been allowed a few minutes to abandon ship was the primary complaint.

Pending full details of the case, Counselor Lansing recommended that the United States protest the destruction of the Falaba, if it was determined that she had not attempted to resist or escape. An unresisting vessel was entitled to adequate time to abandon ship according to international law. Lansing observed that an American citizen who travels on a belligerent merchant vessel "is entitled to rely upon an enemy's war vessel conforming to the established rules of visit and search and of protection of non-combatants. He should not be exposed to greater dangers than the enforcement of the rules impose."³⁰ If this were the case, the United States ought to enter a formal complaint and demand damages. This would mean that the United States would be compelled to condemn this manner of sinking merchant vessels as a violation of law and it would also entail a condemnation of the German war zone.³¹

Secretary of State Bryan disagreed with Lansing's analysis of the case and questioned the wisdom of a complaint and a demand for damages, although he was unable to offer a resolution for the case. He did, however, offer this opinion: "It seems to me that the doctrine of contributory negligence has some bearing on this case—that is, the American who takes passage upon a British vessel knowing that this method of warfare will be employed, stands in a different posi-

tion from that occupied by one who suffers without any fault of his own."³²

While describing the case as "full of disturbing possibilities," President Wilson felt that Thrasher's death was the result of illegal actions on the part of German naval officers, and that the United States probably ought "to make it clear to the German Government that we will insist that the lives of our citizens shall not be put in danger by acts which have no sanction whatever in the accepted law of nations."³³

In a letter to President Woodrow Wilson of April 7, 1915, Secretary Bryan advised against pressing the Falaba case; he saw the case as one where the actions of a single individual might be allowed to involve the entire country in war.

I am sure that the almost unanimous desire of our country is that we shall not become involved in this war and I cannot help feeling that it would be a sacrifice of the interests of all the people to allow one man, acting purely for himself and his own interests, and without consulting his government, to involve the entire nation in difficulty when he had ample warning of the risks which he assumed.³⁴

Thus Bryan argued that individual citizens were forewarned of the dangers of the war zone and should not expect the protection of their country, should they traverse this area. Germany, he reasoned, had no intention of harming Americans, but only of destroying British ships; therefore, Americans ought not to travel on belligerent merchant ships.³⁵

Although Lansing acknowledged that the United States had the option suggested by Bryan—that of warning American citizens not to travel on non-American merchant vessels in the war zone—he felt,

however, that the United States ought to hold Germany to strict accountability for every American killed by the submarine war. The problem with this latter course of action was that German-American relations were becoming increasingly strained due to the growing number of incidents involving American citizens.³⁶

President Wilson thought that the United States ought "to enter a very moderately worded but none the less solemn and emphatic protest against the whole thing, as contrary to laws based, not on mere interest or convenience, but on humanity, fair play, and a necessary respect for the rights of neutrals."³⁷ To Wilson, it was not a question of the loss of one man's life, but of the actions of one nation which attempted to change international law. These actions were the result of the mistaken use of the submarine against enemy commerce. He felt that it was impossible to use the submarine in this manner "in accordance with any rules the world is likely to be willing to accept."³⁸ Thus the United States questioned the use of the submarine against merchant vessels and the allegation that it was impossible for a submarine to exercise visit and search and provide for the safety of passengers and crew.³⁹

While the discussion of the Thrasher case continued and the Administration contemplated the wording of a protest note to Germany, other incidents involving the deaths of American citizens due to German maritime policies eclipsed the disposition of this case.

The American steamship Cushing, which was carrying petroleum from New York to Rotterdam, was attacked by a German airplane in the North Sea near the North Hinder lightship on April 29, 1915. The air-

plane dropped three bombs and one struck the Cushing. No one was killed but the vessel was damaged.⁴⁰ The incident is significant because it led Counselor Lansing to conclude that "German naval policy is one of wanton and indiscriminate destruction of vessels regardless of nationality."⁴¹

The following announcement issued by the German Embassy and published in the New York Times and other major newspapers on May 1, 1915, foreshadowed the tragedies of the Gulflight and the Lusitania.

NOTICE!

Travellers intending to embark on the Atlantic voyage are reminded that a state of war exists between Germany and her allies and Great Britain and her allies; that the zone of war includes the water adjacent to the British Isles; that, in accordance with formal notice given by the Imperial German Government, vessels flying the flag of Great Britain, or any of her allies, are liable to destruction in those waters and that travellers sailing in the war zone on ships of Great Britain or her allies do so at their own risk.

IMPERIAL GERMAN EMBASSY
Washington, D. C., April 22, 1915⁴²

On May 1, 1915, the 5,189-ton American oil tanker Gulflight, from Port Arthur, Texas, was attacked without warning by Commander von Rosenberg of the U-30 and sunk in the Irish Sea. The Gulflight was en route to Rouen, France. The Captain of the Gulflight died of a heart attack when the vessel was struck and two sailors drowned when they jumped overboard.⁴³ The vessel did not sink and was apparently towed into port by British patrol boats.⁴⁴

Germany subsequently admitted that the Gulflight had been attacked by mistake and offered an indemnity. The Gulflight had been convoyed by two British patrol boats, and the German submarine com-

mander therefore concluded that she was a British vessel. At the moment the U-boat commander fired the torpedo, he noticed that the steamer was flying the American flag.⁴⁵

Counselor Robert Lansing wrote Bryan on May 3 that if the incidents of the Cushing and the Gulflight were confirmed, then the United States would have to file a "vigorous" protest. He added this ominous note: "I need not say to you, Mr. Secretary, that I believe the situation is critical and one to cause the gravest anxiety. We are being forced to the breaking point in our relations with Germany; and I am thoroughly convinced that it is being done wilfully through a misconception of the result here in the United States."⁴⁶

Lansing's attitude during the Cushing, Gulflight and Falaba incidents demonstrates a very harsh attitude toward Germany. When Lansing wrote Secretary Bryan the letter of May 3, expressing his views on the Cushing and the Gulflight incidents,⁴⁷ all of the evidence regarding these incidents was not available. Also Germany later admitted that the Cushing and the Gulflight incidents were mistakes and offered to pay an indemnity for the Gulflight.⁴⁸

These incidents are significant for a number of reasons. American policy toward German submarine warfare was formed during February-April, 1915, in reaction to the war zone declaration and the Falaba, Cushing and Gulflight incidents, and was then applied to the Lusitania disaster in May. Thus the American policy of "strict accountability" evolved during this early period. Also, the difference of opinion among members of the Wilson Administration emerged at this time. Counselor Lansing, President Wilson and Secretary Bryan formed

their opinions on issues as a result of German actions in the late winter and spring of 1915. It became obvious that President Wilson's views on submarine warfare were closer to Lansing's opinions than Bryan's. Secretary Bryan vigorously opposed the hard line elicited by Lansing during the Falaba, Gulflight and Cushing incidents.⁴⁹ He maintained that, if the United States continued to pressure Germany over submarine warfare, war would result. And he was right. American policies formulated in the spring of 1915 drew the United States into war with Germany in April, 1917.

The British Cunard Liner, Lusitania, was the subject of much public speculation, according to authors Ernest R. May and Arthur Link, for journalists, diplomats and even the eminent Colonel Edward M. House, confidant of the President, had dared to hypothesize the sinking of this great passenger liner by a German submarine.⁵⁰ May speculates that even German submarine commanders might have kept "a weather eye open" for the Lusitania or her sister, the troopship Mauretania. "Since the possibility was also a common subject of horrified speculation in Washington and London, it seems not at all improbable that it provided matter for enthusiastic discussion among German submarine commanders."⁵¹

After a lengthy examination of German documents relating to the Lusitania, Thomas A. Bailey concludes that the sinking was happenstance. The orders for the U-20, the vessel which destroyed the Lusitania, were to sink "transports, merchantmen and warships"; no mention was made of any other vessel or vessels.⁵²

The Lusitania sailed from New York Harbor on May 1, 1915 to begin the ocean voyage which was to terminate on the morning of May 7

in the Irish Sea. The voyage was uneventful and Captain William T. Turner, a commander in the Royal British Naval Reserve,⁵³ gave the following account of the voyage into the Irish Channel:

Directions were given to the engine room to keep the highest steam they could possibly get on the boilers and in case the bridge rang for full speed to give as much as they possibly could. Orders were also given that ports should be kept closed. At 7:30 p. m. on May 6th the Lusitania received the following wireless message from the Admiralty at Queenstown:

"Submarines active off the coast of Ireland."

And at 7:56 the vessel asked for and received a repetition of this message. The ship was then going at a rate of 21 knots per hour. At 8:30 p. m. of the same day the following message was received from the British Admiralty:

"To all British ships 0005:

"Take Liverpool pilot at bar and avoid headlands. Pass harbors at full speed; steer mid-channel course. Submarines off Fastnet."

At 8:32 the Admiralty received a communication to show that this message had been received by the Lusitania, and the same message was offered to the vessel seven times between midnight of May 6th and 10 a. m. of May 7th. At about 8:00 a. m. on the morning of May 7th, on approaching the Irish Coast, the vessel encountered an intermittent fog or Scotch mist, called "banks" in seafaring language and the speed was reduced to 15 knots. Previously, the speed, according to Capt. Turner's recollection, had been reduced to 18 knots. This adjustment of speed was due to the fact that Capt. Turner wished to run the last 150 miles of the voyage in the dark, so as to make Liverpool early on the morning of May 8th, at the earliest time when he could cross the bar without a pilot.⁵⁴

After the fog lifted, the Lusitania resumed the 18 knot speed. Captain Turner reasoned that this was the most prudent speed, because he wanted to catch the high tide in order to cross the Liverpool bar as quickly as possible; for he knew that submarine attacks had frequently occurred near the bar. If the Lusitania had proceeded at the 21 knot speed, then she would have reached the Liverpool bar at low tide and would be forced to wait eight hours for the tide to change,

thus exposed to hostile submarines.⁵⁵

The Lusitania received additional warnings from the Admiralty. At 11:25 a. m. she received this message: "Submarines active in the southern part of the Irish Channel last heard of 20 miles south of Coningbeg Light vessel make certain Lusitania gets this."⁵⁶ Then at 12:40 p. m. she received another message: "Submarines 5 miles south of Cape Clear when sighted at 10 a. m."⁵⁷

The Lusitania proceeded along the southern Irish Coast until land was sighted. Uncertain of whether or not the land sighted was Galley Head, Turner held into shore; and this course was followed for one hour, until the Old Head of Kinsale was sighted. Then at 1:50 p.m., Captain Turner started to take a four point bearing on the Old Head of Kinsale, and was still in this process when torpedoed, at 2:10 p.m., on the starboard side.⁵⁸

The submarine that attacked the passenger liner was the U-20. Captain Walter Schwieger of the U-20 had left Emden on April 30, 1915, in order to attack "transports, merchantmen [and] warships" in the Irish Sea. The U-20 had sailed around the coast of northern Scotland and western Ireland in order to reach her station near Liverpool.⁵⁹ Orders to submarine commanders issued in February, 1915, stipulated that enemy merchantmen were to be attacked without warning. The mission had been an eventful one for the U-20, for on May 5 Schwieger had torpedoed the Earl of Latham, a small British vessel, ten miles southeast of the Old Head of Kinsale. On May 6, Schwieger spotted a large steamer, the Candidate, through the morning fog, about thirteen miles southeast of the Coningbeg Lightship. The U-20 commenced a surface attack and subsequently destroyed it. An hour later, her sister ship,

the Centurion, also of the Harrison Line, was sighted south of the Coningbeg Lightship and sunk without warning by the U-20. At this point, Commander Schwieger decided not to sail to Liverpool as instructed, because of the fog, the fact that so much of his fuel was spent that the planned return voyage around the southern end of Ireland was no longer possible, and he had but three torpedoes left. He wanted to save two torpedoes for the return voyage.⁶⁰ Therefore, he decided "to remain south of the entrance into the Bristol Channel and to attack steamers until two fifths of the fuel oil [had] been used up."⁶¹ Schwieger gives the following account of his sighting of the Lusitania:

Ahead and to starboard four funnels and two masts of a steamer with course perpendicular to us came into sight (coming from SSW it steered toward Galley Head). Ship is made out to be a large passenger steamer.

[We] submerged to depth of 11 meters and went ahead at full speed, taking a course converging with the one of the steamer, hoping it might change its course to starboard along the Irish Coast.

The steamer turns to starboard, takes course to Queenstown, thus making possible an approach for a shot. Until 3:00 P.M. we ran out at high speed in order to gain position directly ahead.

Clean bow shot at a distance of 700 meters (G-torpedo 3 meters depth adjustment); angle 90°, estimated speed 22 knots. Torpedo hits starboard right side behind the bridge.

An unusually heavy detonation takes place with a very strong explosion cloud (far beyond front funnel). The explosion of the torpedo must have been followed by a second one (boiler or coal or powder?). The superstructure above the point of impact and the bridge are torn asunder, fire breaks out, and smoke envelops the high bridge. The ship stops immediately and heels over to starboard very quickly, immersing simultaneously at the bow. It appears as if the ship were going to capsize very shortly. Great confusion ensues on board; the boats are made clear and in part are lowered to the water. In doing so, great panic must have reigned; some boats, full to capacity, are rushed from above, touch the water with either stem or stern first, and founder

immediately. On the port side fewer boats are made clear than on the starboard side, on account of the [ship's] list. The ship blows off [steam]; on the bow the name 'Lusitania' becomes visible in golden letters. The funnels were painted black; no flag was set astern. Ship was running 20 knots. Since it seems as if the steamer will keep above water only a short time, we dived to a depth of 24 meters and ran out to sea. It would have been impossible for me, anyhow, to fire a second torpedo into this crowd of people struggling to save their lives.⁶²

Of the 1,257 passengers and 702 crew, only 472 passengers and 289 crew members escaped. Those 1,198 dead included 413 crew members and 785 passengers, among them 124 American citizens; in all, 94 children and 240 women perished.⁶³ The tragedy plunged the American nation into a state of shock. President Wilson, who was reportedly stricken when he heard that about 1,000 persons died, went into complete seclusion for two days, seeing and talking to no one but family and White House staff members.⁶⁴

On May 9, Wilson received the first communication on the Lusitania from Secretary Bryan who enclosed statements from the New York Post to the effect that the vessel had carried 4,200 cases of cartridges and ammunition valued at \$152,400.⁶⁵ Bryan suggested that ships carrying contraband not be permitted to carry passengers.⁶⁶ He further suggested that Americans travelling through the war zone do so at their own risk and are, therefore, not entitled to the protection of their government.⁶⁷ Counselor Lansing disagreed with the Secretary. He was "convinced that this Government is in no position to adopt that view. To accept it would be to admit that the Government of the United States failed in its duty to its own citizens and permitted them to run risks without attempting to prevent them from doing so." He took the position that the United States had committed

herself to strict accountability for the lives and property of American citizens in the war zone in the reply of February 10. Since this policy did not differentiate between vessels carrying Americans and their property, nor did it warn Americans not to travel on British vessels, it had allowed people to believe that the Government permitted her citizens to travel on British vessels in the war zone and "would stand behind them in case their legal rights were invaded." Lansing continued: "I do not see how this Government can avoid responsibility now by asserting that an American in traveling by a British vessel took a risk, which he should not have taken. If it held that point of view it should have declared it at the time it protested against the 'war zone.'" ⁶⁸ President Wilson found Lansing's arguments "unanswerable," apparently accepting his rationale. He wrote Secretary Bryan on May 11: "Even if it were just to take the position that an unlawful and outrageous thing would be done might operate as an exemption from responsibility on the part of those who issued it, so far as our citizens are concerned, it is now too late to take it. We defined our position at the outset and cannot alter it,—at any rate so far as it affects the past." ⁶⁹

Secretary Bryan forwarded Lansing's suggestions on the forthcoming protest note to Germany on the Lusitania. Wilson's draft note showed that his opinions on the matter coincided more closely with those of Lansing than Bryan. The Counselor suggested that the United States reiterate her statement of February 10 that Germany would be held to strict accountability for the loss of American lives and property. Also the United States should demand a disavowal of

the act and an apology, and that Germany acknowledge liability and pay an indemnity. In addition, Germany should punish the guilty officers and "that the German government will guarantee that in the future ample measures will be taken to insure the safety of the lives of American citizens on the high seas unless they are traveling on a vessel of belligerent nationality, which is armed or being convoyed by belligerent war craft."⁷⁰ If Germany refused to comply, the United States could break diplomatic relations with her, or America might act in concert with other neutral nations and send identical protest notes to both Britain and Germany for their disregard of international law.⁷¹

In a list of possible defenses for the sinking of the Lusitania which the German government might use, Lansing noted that the presence of munitions on board did not relieve the naval authorities of the responsibility of warning the vessel and allowing passengers to leave. Furthermore, the public announcement issued by the German Embassy, warning American citizens not to travel through the war zone, did not exempt Germany from responsibility for the destruction of the Lusitania. "The German Government cannot relieve themselves of responsibility for doing an illegal act by announcing that they intend to violate the principles of law and humanity."⁷²

President Woodrow Wilson wrote the protest note on the Lusitania which was then submitted to State Department Counselors Robert Lansing and Chandler Anderson for revision.⁷³ Secretary of State William Jennings Bryan received Wilson's draft with dismay. "But, my dear Mr. President," he said, "I join in this document with a heavy heart."

Bryan felt that the United States ought to follow a policy of protesting violations of law by both Germany and Britain. The draft, Bryan stated, contained no reference to Britain's misuse of the American flag, or her interference with American and other neutral trade. Germany, he continued, would think that the United States was favoring Britain.⁷⁴ Most of the changes made in Wilson's draft were minor.

The government had been silent on the issue of submarine warfare since February 10 and, therefore, included a protest of the *Falaba*, *Cushing* and *Gulflight* incidents in the first *Lusitania* note to Germany. The United States emphasized that she would hold Germany to strict accountability for the loss of American ships and American lives on American and belligerent merchant vessels travelling through the war zone. The German government presumably accepted the rule that non-combatants whether of belligerent or neutral nationality could not "be put in jeopardy by the capture or destruction of an unresisting [unarmed] merchantman."⁷⁵ Also it was assumed that Germany recognized the obligation to exercise the "precaution" of visit and search in order to ascertain whether the merchantman was belligerent or carrying contraband under a neutral flag. Furthermore, the United States observed that recent events had illustrated that the submarine could not be used against merchantmen "without an inevitable violation of many sacred principles of justice and humanity."⁷⁶ The warning issued in the newspapers advising travelers not to take passage on vessels passing through the war zone did not absolve Germany from responsibility for these acts. Finally, the United States demanded that Germany disavow the actions of the submarine commanders and pay full

indemnities for the damage. In addition, Germany must take precautions "to prevent the recurrence of anything so obviously subversive of the principles of warfare which the German Government have in the past so wisely and so firmly contended."⁷⁷

On May 10, the German government, acting on Count Bernstorff's advice, sent the American government a note expressing regret at the loss of the Lusitania. The cause of this unfortunate tragedy was the British blockade which was designed to starve the German people and had compelled Germany to enact retaliatory measures.⁷⁸ At first, the German government received conflicting reports on the effects of the Lusitania's destruction. The first reports of Count Johann Bernstorff, the German Ambassador to the United States, indicated that President Wilson remained calm and that Secretary Bryan felt that the British measures left Germany no other recourse.⁷⁹ Later dispatches from Bernstorff and the Austrian Ambassador to Washington, Konstantin Dumba, stated that war would result should another vessel carrying Americans be destroyed by submarine warfare.⁸⁰

The receipt of the American protest note over the Lusitania, which reasserted the right of American passengers to travel on belligerent ships, was followed by reassurances from Count Dumba that Secretary Bryan had told him that the protest was only for the benefit of American public opinion, and that its sharp tone should be disregarded. The "Dumba Incident," as it became known, proved a great source of embarrassment to the Secretary. William Jennings Bryan was not in complete agreement with the policy outlined in the first Lusitania note which bore his signature. Fearful of the con-

sequences of the note, Bryan spoke to Dumba in an attempt to soften its impact. Although the President insisted that Bryan's subsequent resignation was not associated with the interview, public confidence in the Secretary was severely shaken by the incident which caused many people to doubt Bryan's fitness for his office.⁸¹

The American Ambassador to Germany, James W. Gerard, learned of the Dumba interview quite by accident at a luncheon attended by the German Under-Secretary of State, Arthur Zimmermann and other individuals, among them an American woman who was married to a German. Gerard heard fragments of a conversation which took place between this American lady and Zimmermann and he asked the lady about it.

...Zimmermann told her [that]...they had just received word from the Austrian Government that Dr. Dumba, the Austrian Ambassador in Washington, had cabled that the Lusitania Note from America to Germany was only sent as a sop to public opinion in America and the government did not really mean what it said in that note. I then called on Zimmermann at the Foreign Office and he showed me Dumba's telegram which was substantially as stated above. Of course, I immediately cabled to the State Department and also got word to President Wilson. The rest is public property. I, of course, did not know what actually occurred between Mr. Bryan and Dr. Dumba, but I am sure that Dr. Dumba must have misunderstood friendly statements made by Mr. Bryan.⁸²

The news of the sinking of the Lusitania caused different reactions in the German Naval Department and the Foreign Office, with each department remaining firmly opposed to the position of the other department vis-à-vis the submarine issue. The navy expressed enthusiasm for an expansion of the submarine war. One General Staff Officer hailed the sinking as a great victory and called for more Lusitanias. Many newspapers celebrated the event.⁸³ Admiral Bach-

mann, Chief of the Naval Staff, expressed severe displeasure because the American Ambassador had been assured that neutral vessels would not be intentionally destroyed.⁸⁴ The navy was adamant. There could be no concessions to the United States; new restrictions, Bachmann complained, "would be equivalent to giving up the submarine war."⁸⁵ What the United States demanded was a repudiation of German naval policy, and the admirals refused to do that, as Gerhard Ritter illustrates in his analysis in The Sword and the Scepter.

It demanded that the act of the U-boat captain be condemned; and this, of course, the Kaiser could not possibly do, since the Lusitania was a British—i.e., an enemy—rather than neutral vessel, and the German captain, in sinking her, had not acted counter to his instructions. Not only had he not been forbidden to sink passenger ships, but on the contrary, a directive from Bachmann had actually enjoined him to do so, since it was bound to make the greatest impression of all. The German navy, in other words, was eager for the shock effect rather than shrinking from it, though from a military viewpoint the sinking of passenger vessels made no sense unless they transported troops or also carried a cargo of munitions...⁸⁶

Those naval officers who worked closely with the Foreign Office—Colonel Karl von Treutler, the Foreign Office's envoy at Supreme Headquarters, and Admiral Georg von Müller, the Chief of the Naval Cabinet—expressed horror and disgust at the destruction of the Cunarder. Chancellor Bethmann Hollweg moved slowly and cautiously in his attempts to draft a reply which must be designed to avoid war. Since the Emperor had taken the advice of the Naval Secretary, Admiral von Tirpitz, that the foreign embassies be instructed not to yield on the issue and to play up the American munitions trade for the benefit of German public opinion, the situation was indeed grave.⁸⁷ General Erich von Falkenhayn, Chief of the General Staff of the Army,

agreed to support the Chancellor after he was told that the United States might sever diplomatic relations with Germany and enter the war against her; if she did so, other European neutrals, in particular Holland, might do the same. General Falkenhayn then agreed that submarine warfare ought to be conducted in a manner which would not offend neutrals.⁸⁸ Since the Admirals Tirpitz and Bachmann steadfastly refused any concessions to neutrals, Admiral Müller proposed that the question be submitted to the Kaiser. One of the principal goals of the war zone declaration, Bachmann maintained, was to frighten neutrals out of the war zone. This was necessary in order for the measure to increase pressure on England and to prevent problems with neutral nations. If guarantees of safety were extended to neutral vessels, then more of these vessels would enter the war zone, hence trade with England would increase as would submarine incidents involving neutrals.⁸⁹ The meeting with Kaiser Wilhelm II took place on May 31 at Pless. Colonel Treutler, Admiral Müller and General Falkenhayn spoke in behalf of the Chancellor, who remained silent. Admiral Tirpitz and Admiral Bachmann presented their own case. Admiral von Müller stated that the Chancellor refused to take the responsibility for the submarine campaign as it was currently being conducted; Treutler and von Falkenhayn concurred. The Naval Secretary and Naval Chief of Staff reiterated that submarine warfare could not be conducted in a manner which would avoid political conflict; therefore, they asserted that the Emperor would have to decide whether or not the campaign could continue.⁹⁰ Admiral Müller suggested that Bachmann and the Chancellor compose new orders to the submarine commanders and the Kaiser agreed.⁹¹

As a result of the conference, the Chancellor secured orders to submarine commanders to spare neutral vessels, and in cases where there was doubt as to whether the vessel was neutral, it must be allowed to pass by.⁹² In addition, the Foreign Office obtained the Emperor's consent that supplemental orders be issued to submarine commanders to spare large passenger vessels. It was imperative that no new Lusitania incidents occur during the negotiations, the Chancellor explained.⁹³ In his arguments against this policy, Tirpitz observed that it was impossible for submarine commanders to distinguish between cargo and passenger liners.⁹⁴ Admirals Tirpitz and Bachmann were furious with the instructions and both submitted their resignations, which the Kaiser, acting on Admiral Müller's advice, refused as an infringement of his power (Kommandogewalt).⁹⁵

Although the Chancellor, Bethmann Hollweg, had obtained a significant modification in the instructions to the submarine commanders, thus curbing the direction of the U-boat war, the German reply of May 28, 1915 on the Lusitania incident showed no sign of altering the submarine policy. The note of May 28, 1915, which was drafted by the Foreign Office in full agreement with the Naval Department, was a vigorous defense of the submarine war.⁹⁶ The destruction of the Cushing and the Gulflight was not intentional, for the German armed forces were instructed not to attack neutral vessels in the war zone; however, any mistakes were attributed to the British misuse of neutral flags. A full investigation of these cases was in progress. The Falaba was destroyed because she had attempted to escape and then had sent up a distress signal. The submarine commander had given notice and then ordered passengers

and crew to abandon ship. The torpedo was fired only after twenty-three minutes had passed and "suspicious steamers were hurrying to the aid of the Falaba."⁹⁷

The sinking of the Lusitania was defended by the German government for a number of reasons: She was classified as an auxiliary cruiser by the British Admiralty and undoubtedly had guns mounted and masked under deck when she left New York. British vessels had been instructed to hoist neutral flags and to attack and ram German submarines while thus disguised as neutrals. Consequently, the German government would no longer instruct their naval officers to observe traditional rules of war regarding English merchant vessels. Germany insisted that the Lusitania was carrying munitions and Canadian troops, destined to be used in the destruction of brave German soldiers. And since the Cunard Company had allowed the vessel to carry munitions along with passengers, it must assume much of the blame for her destruction. Also, the Lusitania sank very rapidly because the munitions exploded when she was hit. The German government requested the United States to examine the facts as outlined in the note.⁹⁸

According to Arthur Link's account of these events, the German reply to the first Lusitania note was written by Bethmann and Secretary of Foreign Affairs, Gottlieb von Jagow, within the context of the political struggle in which the Chancellor was then involved. The reply was intentionally evasive and was meant as a preface to negotiations regarding the destruction of the Lusitania.⁹⁹ However, the reply of May 28, 1915 was, in fact, a very clear defense and

justification of the Lusitania incident, and as Lansing later observed, showed that Germany intended to continue her policies of submarine warfare which the United States maintained were inhuman and illegal.¹⁰⁰

The Lusitania incident not only accentuated the differences of opinion between the Foreign Office and the Navy, but Count Bernstorff and the Foreign Office disagreed over policy as well. Bernstorff was more sympathetic to the American point of view than the Foreign Office and this was the basis for that difference of opinion. Count Bernstorff noted in his memoirs that he never really understood what authorities in Berlin had as goals in their use of the submarine war. He felt that Germany ought to settle the Lusitania matter in accord with President Wilson's opinions regarding the submarine issue, and Bernstorff attempted to persuade his government to accept this policy. He not only wanted to prevent a break in German-American relations, but to initiate a policy of cooperation, a joint effort to re-establish freedom of the seas. Bernstorff hoped that it would be possible for the United States to persuade Germany and Britain to alter their policies in regard to naval warfare; this, hopefully, might serve as the basis of an American peace initiative. The terms of such a proposal would be a return to status quo ante-bellum in Europe, freedom of the seas, and some modification of colonial possessions. The German Ambassador attempted to present this as an American proposal, rather than his own, to the German Foreign Office. Meanwhile, he used some of the same arguments contained in his official reports, in an attempt to stimulate an American peace proposal from the Wilson Administration. Germany, however, was not receptive to the

Ambassador's plans.¹⁰¹

Count Bernstorff felt that German-American relations were near the breaking point as a result of the destruction of the Lusitania. He reasoned that the President had sent the "sharply-worded" note to Berlin on May 13 under the pressure of "primitive emotion" expressed by the popular press.¹⁰² Bernstorff tended to overestimate the effect public opinion had on Wilson in determining policy regarding the Lusitania incident because he did not fully comprehend the importance Wilson placed on the loss of human life caused by submarine incidents. Convinced that the Lusitania incident could lead to a rupture in German-American relations, which would most certainly lead to war, Count Bernstorff decided to assume the responsibility of preserving diplomatic relations "under all circumstances." Without waiting for instructions from his government, which were often slow in coming, Bernstorff arranged for an interview with President Wilson to discuss the matter. Ambassador Bernstorff subsequently discovered that preparations were being made to sever relations and prepare for war on the very day, June 2, 1915, of his interview with Wilson. The President, he reported, was badly shaken and desirous of avoiding war. Bernstorff observed that relations between the United States and Germany were severely strained and that numerous misunderstandings had occurred because of this situation. In an effort to restore better relations, the German Ambassador suggested that Dr. Anton Meyer Gerhard, a former adviser to the colonial office, who was currently serving as the representative of the German Red Cross in New York, be sent to Germany in

order to report on American affairs. The President agreed, saying that he would await the completion of the Meyer Gerhard mission before taking any "irremediable steps."¹⁰³

The receipt of the German note of May 28 caused a rift in the Wilson Administration. It had become apparent during the drafting of the first Lusitania note that Secretary Bryan's views were sharply different from those of Robert Lansing and President Wilson. Bryan had expressed doubt about the advisability of the note as drafted by Wilson and that doubt had given rise to the misunderstanding known as the "Dumba Incident". The German reply was seen by President Wilson and Counselor Lansing as a defense of the destruction of the Lusitania and they felt that Germany had not properly answered the American protest. Wilson and Lansing agreed that an additional protest note was required. President Wilson began to draft a reply almost immediately after the German note was received.¹⁰⁴ Secretary Bryan felt that consideration ought to be given to the German arguments in defense of the Lusitania incident. He repeated his belief that passenger vessels should not be allowed to carry contraband. If this ruling were reversed, Bryan reasoned, Germany might give assurances that passenger vessels would be spared, if it were guaranteed that they would not carry ammunition. Again, he said that American citizens ought to be warned about the dangers of travel in the war zone on belligerent ships, and that if they persisted in such travel, it would be at their own risk, without any guarantees of protection from their government.¹⁰⁵

Lansing felt that the only points of any merit raised by Germany were that the Lusitania was armed and that the submarine commander feared that she might ram him. There was nothing to indicate that Germany had evidence that the Lusitania was armed and he believed that the second allegation was false. The other arguments advanced by Germany were immaterial.

The remaining allegations are irrelevant to the defense that the submarine was justified in torpedoing the Lusitania without visiting her and without putting her crew and passengers in a place of safety. If the vessel was laden with war supplies, if she flew a neutral flag, if she had Canadian soldiers on board, and if she violated several laws of the United States as to her cargo, these facts in no way affect the question.¹⁰⁶

Secretary Bryan's thoughts on the issue were open to consideration of the German rationale, in other words, if some of these allegations were true, then the nature of the case was altered. Lansing, however, insisted that the vessel was unarmed, that it was a passenger vessel, and that it was subject to visit and search. Since the German submarine commander sank the vessel without warning, he violated the law. It was this strict legal interpretation of the case that Bryan simply would not accept. In a letter to President Wilson of June 3, Bryan expressed these thoughts, and stated that the most serious question raised was the presence of ammunition.¹⁰⁷ Moreover, Bryan felt that a protest should be sent to Britain because of her violations of international law, and that both protests should be sent at the same time. Wilson disagreed. A protest could not be sent to Britain at that time because it would weaken the Lusitania case with Germany. The President thought that Germany's was

the graver crime. Bryan did not seem to make the distinction in degree between the actions of Germany, on the one hand, and those of Britain, on the other. To Wilson, Germany had violated the law of humanity. Also Bryan wanted the United States to prevent American citizens from traveling on passenger vessels which carried munitions. Although Wilson agreed with this proposal, it would not be possible to accomplish this before another note was sent to Germany.¹⁰⁸

President Wilson's views on the issue were contained in his draft of the second Lusitania note. Germany was misinformed, the note stated, as to the character of the Lusitania. The vessel was not armed and it was not being used as a troop transport; furthermore she did not carry cargo forbidden by the laws of the United States. Questions concerning the carriage of contraband were deemed immaterial to the method of the Lusitania's destruction.

Whatever be the other facts regarding the Lusitania, the principle fact is that a great steamer, primarily and chiefly a conveyance for passengers, and carrying more than a thousand souls who had no part or lot in the conduct of the war, was torpedoed and sunk without so much as a challenge or warning, and that men, women and children were sent to their death in circumstances unparalleled in modern warfare. The fact that more than one hundred American citizens were among those who perished made it the duty of the Government of the United States to speak of these things and once more, with solemn emphasis, to call the attention of the Imperial German Government to the grave responsibility which the Government of the United States conceives that it has incurred in this tragic occurrence, and to the indisputable principle upon which that responsibility rests. The Government of the United States is contending for something much greater than mere rights of property or privileges of commerce. It is contending for nothing less high and sacred than the rights of humanity, which every Government honors itself in respecting and which no Government is justified in resigning on behalf of those under its care and authority. Only her

actual resistance to capture or refusal to stop when ordered to do so for the purpose of visit could have afforded the commander of the submarine any justification for so much as putting the lives of those on board the ship in jeopardy. This principle the Government of the United States understands the explicit instructions issued on August 3, 1914, by the Imperial German Admiralty to its commanders at sea to have recognized and embodied, as do the naval codes of all other nations, and upon it every traveler and seaman had a right to depend. It is upon this principle of humanity as well as upon the law founded upon this principle that the United States must stand.¹⁰⁹

The note went on to reassert the right of American citizens to travel on American or belligerent ships in the war zone and to repeat the principle that "the lives of non-combatants cannot lawfully be put in jeopardy by the capture or destruction of an unresisting merchantman and to recognize the obligation to take sufficient precaution to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband under a neutral flag."¹¹⁰

Secretary of State Bryan thought that if the second Lusitania note was sent as drafted by Wilson and revised by Lansing, then a breach in German-American relations would take place and that war would follow. For these reasons, plus the fact that Bryan's beliefs were contrary to the policy which Wilson intended to follow with Lansing's support, Bryan decided he would resign rather than sign the note. And the second Lusitania note was signed by Robert Lansing as acting Secretary of State because of Bryan's resignation. This was an extremely emotional decision for William Jennings Bryan. It was in this frame of mind that he accused the Wilson Administration of being unneutral and Colonel House of being, in fact, the Secretary of State.¹¹¹ Clearly, House had not participated in policy making over

the Lusitania, the issue which had caused Bryan's resignation. However, House had superceded Bryan in negotiations with the belligerents on the proposed peace conference. President Wilson, himself, had typed the drafts for both Lusitania notes and he was, in effect, acting as his own Secretary of State. Wilson's decision to offer Lansing the position of Secretary of State was done with the intention that the President would continue to dominate foreign policy decisions as he had done during Bryan's term of office. Robert Lansing's training as an international lawyer and his service in the diplomatic corps made him highly qualified for the post; however, he had no political influence and would, therefore, be unlikely to oppose presidential policies.¹¹² In addition, he shared many of Wilson's values and ideals.

When the second Lusitania note arrived in Germany, it was accompanied by Bernstorff's advice that President Wilson wanted the submarine campaign terminated and that anything less than that would be considered a half-measure. General von Falkenhayn still supported the Chancellor's views regarding submarine warfare and could, therefore, be relied upon in a confrontation with the admirals. Admiral Müller advised that General Falkenhayn discuss the matter with Admiral Bachmann, the Chief of the Naval Staff. Repeating his fear of a war with America, Falkenhayn told Bachmann that:

the navy must undertake to guarantee that through the U-boat the United States of America will not be brought into the ranks of our enemies. In the opinion of the political officials of the imperial government this was greatly to be feared if the U-boat war were continued in the same fashion as before the Lusitania's sinking. He, as Chief of the General Staff, could no longer in such circumstances take upon himself responsibility for the conduct of the war: not because of the armed might of the United States, but because the moral effect of its en-

mity on the other neutrals, above all on Rumania, Bulgaria, and Holland, would be fatal.¹¹³

Ambassador Bernstorff's emissary, Dr. Anton Meyer Gerhard, arrived in Berlin on June 16 and reiterated Bernstorff's admonitions to the Foreign Office that Germany would have to spare neutral shipping as well as belligerent passenger ships which were unarmed and carried no contraband.¹¹⁴ The Chancellor, whose natural inclination was to postpone decisions whenever possible, invited Admiral Bachmann to discuss the matter informally.

For support he brought along Jagow and Meyer-Gerhard, who had just returned from America. Over beer and cigars on that hot Tuesday evening, he asked Bachmann if the Naval Staff could possibly accept a proposal by Meyer-Gerhard. U-boats would be pledged to follow the traditional rules of visit and search, providing only that Britain agreed to cease flying neutral flags over her own ships. As the Chancellor anticipated, Bachmann categorically refused. To make such a promise, the admiral quite accurately asserted, would be to abandon the entire campaign. Bethmann's attempt to reason with the admiral was thus a total failure.¹¹⁵

The conference illustrated the political chasm which lay between the Foreign Office and the Naval Staff. The Chancellor insisted that concessions must be made to neutrals and that passenger vessels must be spared. The Admiral refused and proceeded to defend the sinking of the Lusitania. Bethmann stated that if concessions were not made, then German-American relations would be broken. This must be avoided by limiting the submarine campaign temporarily. In a few weeks, Bethmann continued, the situation might improve and then the submarine war could be resumed. However, Bachmann was adamant; he felt that if the submarine campaign were scuttled, the war would be for-

feited and that Germany would be destroyed.¹¹⁶

Bernstorff's reports from the United States indicated that the President and the people wanted to avoid war.¹¹⁷ The admirals still insisted that the U-boat war remain unchanged.¹¹⁸ Despite numerous attempts to participate in the drafting of the note to America, Admirals Tirpitz and Bachmann were excluded from that procedure, but their representations undoubtedly affected the tone of the note.¹¹⁹ The note, which was written with the advice and assistance of Admiral Müller, Dr. Meyer Gerhard, the American Ambassador James Gerard (who was acting on his own and without instructions), and of course the Chancellor and Foreign Secretary Jagow, offered no substantial concessions or changes in the U-boat war.¹²⁰

Gerard's suggestions were incorporated in part four of the draft note. They were: the guarantee of safety for all American ships in the war zone, if they carried no contraband; the promise that a specific number of enemy passenger liners would not be destroyed without warning, if the United States would insure that their cargoes did not include munitions; that they were unarmed; and that they would not attempt to ram submarines when those vessels sought to exercise rights of visit and search. Gerard's role in the drafting of the German note was highly irregular and, consequently, he concealed it from his government. He had merely wanted to be helpful.¹²¹

The remainder of the note was phrased by the proper German authorities and contained the familiar justifications of the submarine campaign in terms of reprisals against British abuses of inter-

national law, and, of course, in terms of the survival of the German nation. Germany promised to respect American and neutral shipping, but could not understand why Americans had to travel on belligerent vessels.¹²²

Upon reading the German note of July 12, Wilson began to formulate a reply, because he felt that Germany simply had not addressed herself to the issues which deeply concerned America. President Wilson worked closely with Lansing in the final drafting of the note and many of the Secretary's suggestions were incorporated in it.¹²³ The United States repeated that Germany must disavow the destruction of the Lusitania and make full reparations. President Wilson succinctly stated that Britain's transgressions of the law were different in degree and could not be linked to German submarine policies in any discussion with the United States.

The Imperial German Government will readily understand that the Government of the United States cannot discuss the policy of the Government of Great Britain with regard to neutral trade except with that Government itself, and it must regard the conduct of other belligerent governments as irrelevant to any discussion with the Imperial German Government of what this Government regards as grave and unjustifiable violations of the rights of American citizens by German naval commanders. Illegal and inhuman acts, however justifiable they may be thought to be against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent can not retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity, as well as justice and a due regard for the dignity of neutral powers, should dictate that the practice be discontinued.¹²⁴

The note went on to say that, if the submarine campaign continued to be conducted in this illegal manner, resulting in similar kinds of

action, the United States would regard these acts as "deliberately unfriendly." Clearly, President Wilson had decided to defend the customary interpretation of law. Neither changed circumstances nor military necessity were sufficient grounds, in Wilson's mind, to justify violating the established rights of neutrals, and in particular, "the right to life itself." However, the President had still not decided what action would be taken should Germany persist in her submarine policies. The third Lusitania note differed with the others in that Wilson indicated that the United States was willing to accept submarine warfare. Whereas the first note had flatly stated that "submarines cannot be used against merchantmen," and the second note unequivocally said that non-combatants had the right to expect that customary rules of law would be observed by belligerents, the third note observed that it was possible for submarines to follow customary rules of law.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German Navy within the so-called war zone in substantial accord with the accepted practice of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offense.¹²⁵

Also Wilson did not demand the immediate settlement of the case, which had been the message of the May 15 note.¹²⁶ The note also included the Wilsonian proposal that Germany should cooperate with the United States in securing freedom of the seas. The proposal was extended on the condition that Germany disavow the Lusitania incident.¹²⁷

Shortly after the note had been dispatched, Germany was gradually informed through diplomatic channels, that the United States did not intend to press for an immediate settlement of the case either in terms of a disavowal or reparations. Ambassador Gerard quietly so informed Count Max Montgelas, who was the head of the American section of the German Foreign Office, on July 24, hinting that the United States might be satisfied with an impasse.¹²⁸ Two days after the note was sent to Germany, Count Bernstorff was called to the State Department to speak with Secretary Lansing. Lansing asserted that any future incidents similar to the Lusitania would result in war. Although the American people did not want war with Germany at this time, the Secretary continued, the government was not able to retreat from the position outlined in the Lusitania notes.¹²⁹ Ambassador Bernstorff's own account of this meeting indicated that he was informed that the United States did not wish to continue writing notes.¹³⁰ Secretary Lansing, therefore, requested that the Ambassador enter into personal negotiations on the basis of President Wilson's proposal of German-American cooperation in order to secure freedom of the seas. Prior to this time, Lansing had suggested that Germany admit that although retaliation was justifiable, the belligerent assumed responsibility when neutrals were affected by their actions. This solution would have allowed Germany to settle the Lusitania case without admitting any illegality.¹³¹

In a report to the Foreign Office of July 28, 1915, Ambassador Bernstorff gave his analysis of the American President's attitude toward Germany in regard to the Lusitania case. Bernstorff felt that

a reply to the Lusitania note might be necessary depending on the goals of the submarine war. If the submarine campaign was an end in itself, a means of overthrowing England, then perhaps the note would best be left unanswered. If, however, the goal of the campaign was to induce Britain to alter her blockade practices, then an answer which included concessions was advisable. Germany could maintain that the destruction of the Lusitania was justified in terms of reprisals, although there was no intention of causing the death of American citizens and Germany regretted that this had been the result. Bernstorff thought that Germany ought to offer the survivors of those who died on the Lusitania some compensation for their loss. Also Germany should guarantee that, in the future, submarines would not attack passenger liners without warning. And, finally, Germany should support President Wilson's efforts to persuade Britain to observe international law during the war. The Ambassador said both the President and the Secretary of State were willing to settle the issue through verbal negotiations with him and requested further instructions. He offered the following analysis of the American position on the Lusitania incident:

In Germany, where the tone of the American note must have appeared unnecessarily abrupt, this fact is perhaps not realized; the explanation of course is that Mr. Wilson was carried away by the popular excitement over the Lusitania incident, and was, thus compelled to adopt an intransigent attitude, from which he cannot now recede, without making his position impossible here. Then besides the resignation of Mr. Bryan, and that unfortunate telegram of Dr. Dumba's, which has become known here, has convinced him that we are not in earnest. Finally, he wishes to come to some kind of settlement with us by means of this exchange of Notes, in order that he may then turn his attention to England; and his well-known pride confirms him in the view that only after he has concluded negotiations with us, can he

take up the matter with her. It should be clearly understood that Mr. Wilson does not want war with us, nor does he wish to side with England, despite all statements to the contrary in the Press of the Eastern States. This Press, in agreement with other powerful and influential circles is Anglophile to a degree and not altogether adverse to a war with Germany; but this view is not shared by Mr. Wilson, or the large majority of the American people.

The great danger of the present situation is that we may be driven to war, either by the efforts of this Press, or by a new Lusitania incident. What Mr. Wilson wants is to satisfy public opinion here, by the serious tone of the Note sent to us, and at the same time to induce us to make certain concessions and thus carry out his darling project of the freedom of the seas, by finding some middle course between the German and English views. In his last note, the President had certainly modified his views in our favour by his admission that submarine warfare is legitimate, whereas he formerly maintained that it could not be regarded as permissible from the point of view of international law.¹³²

On July 29, 1915, the Chancellor told Ambassador Gerard that the Foreign Office had decided not to answer the third Lusitania note, but that Germany would offer to submit the question of damages to the Hague Court for arbitration.¹³³

Karl Helfferich, the Secretary of the Treasury, felt that President Wilson's proposal of German-American co-operation ought to be accepted; this policy was also endorsed by Ambassador Bernstorff. Secretary Helfferich advocated acceptance of all of the American demands regarding the submarine campaign for a limited period of time. He reasoned that, if Germany participated in Wilson's proposal, she would have America's support at a critical period in the war, and that imports from the United States and other neutral countries might be more readily available to Germany. Karl Helfferich believed that the advantages of this policy were greater than the disadvantages of a temporary relaxation in the submarine campaign in the war zone.

Although the Naval Staff opposed this policy, the Secretary was able to gain the Kaiser's acceptance of his opinions during the summer of 1915. Submarine warfare was conducted by most of the submarine commanders according to cruiser rules of warfare during this period, primarily because they found surface attack using cannon the most effective means of combat. Considerations for neutral states were not a factor in these matters. In view of Helfferich's observations, the Kaiser ordered a survey of the number of merchant vessels sunk since July 1, 1915 without warning by submarines and also the number of merchantmen destroyed by U-boats according to cruiser rules of warfare. The study was never completed because of dissention among political and naval authorities within the government and because of the Arabic incident which caused complications with the United States. Karl E. Birnbaum indicates that, if this issue of the most effective means of attack for submarines had been clarified then, in July 1915, submarine policies might have been changed.¹³⁴

Ambassador Bernstorff was instructed to enter into verbal negotiations with Secretary Lansing in order to resolve the Lusitania issue. Bernstorff felt that these negotiations would not be fruitful as long as the submarine campaign continued to be conducted in the manner which had caused the Lusitania's destruction. He was not informed that instructions to submarine commanders had been changed as a result of the Lusitania incident. Negotiations between Robert Lansing and Count Bernstorff had barely begun when they were interrupted by a new submarine incident. On August 19, 1915, the passenger liner Arabic was destroyed by a German submarine, resulting in the

death of many persons including some American citizens.¹³⁵

NOTES TO CHAPTER III

¹ The Lansing Papers, I, p. 361. Lansing reasoned that Britain was far more dependent on the importation of American food stuffs than was Germany. If the German war zone effectively curtailed British trade, then Germany would benefit far more by the submarine campaign than Britain would in stopping all trade to Germany. Thus Lansing concluded that Germany was not willing to give up the submarine campaign. See also Daniel M. Smith, Robert Lansing and American Neutrality, 1914-1917 (New York: De Capo Press, 1972), p. 51.

² The Lansing Papers, I, pp. 361-2; Smith, Lansing and American Neutrality, p. 52; United States Foreign Relations Supplement 1915, pp. 119-20.

³ May, World War and American Isolation, pp. 127-8; Görlitz, The Kaiser and His Court, p. 68; Link, Wilson: The Struggle for Neutrality, pp. 332-4; Tirpitz, My Memoirs, II, pp. 299-301.

⁴ United States Foreign Relations Supplement 1915, pp. 129-30.

⁵ Siney, Allied Blockade of Germany, pp. 65-6; United States Foreign Relations Supplement 1915, pp. 140-3.

⁶ Ibid., p. 144.

⁷ Garner, "International Law and the European War," p. 822.

⁸ Great Britain, Parliament, Parliamentary Debates (House of Commons), 5th ser., LXX (March 1, 1915), col. 600; in "International Law and the European War," p. 830, n. 15, Garner cites the following quote from the London Times weekly ed., March 19, 1915, which is a comment on the blockade similar to Prime Minister Asquith's remarks: "There is no mention of 'blockade', though, in view of modern conditions of maritime warfare and the present situation in the North Sea, some of the provisions of the Order show a desire to impose as little inconvenience as possible upon neutrals. But it means no less than the prevention of goods of any kind entering or leaving Germany; and we must expect criticisms or protests from neutrals. It is hoped that they will bear in mind in considering this important document, that with us it is not, as with them, a question of trade, but of national existence."

⁹ Ibid., p. 830, n. 14.

¹⁰ Lansing Papers, I, pp. 270-3; Smith, Lansing and American Neutrality, pp. 53-4.

¹¹ United States Foreign Relations Supplement 1915, p. 128, The British Ambassador (Spring Rice) to the Secretary of State, March 1, 1915; The Lansing Papers, I, p. 270, The Counselor for the State Department (Lansing) to the Secretary of State, March 2, 1915.

¹² United States Foreign Relations Supplement 1915, p. 133.

¹³ Ibid.; see also p. 152, American note to Britain of March 30, 1915, which advances similar arguments.

¹⁴ The Lansing Papers, I, pp. 288-9.

¹⁵ Ibid., pp. 290, 294, Wilson to Bryan, March 28, 1915; Link, Wilson: The Struggle for Neutrality, p. 346.

¹⁶ The Lansing Papers, I, p. 294, Lansing to Wilson, March 28, 1915—pp. 295-6, Bryan to Wilson, March 29, 1915.

¹⁷ United States Foreign Relations Supplement 1915, pp. 152-6; Link, Wilson: The Struggle for Neutrality, pp. 347-8.

¹⁸ In deciding the case of the Peterhoff, the court noted that: "There is nothing in this case as in that of the Springbok to distinguish between the liability of the ship and that of the merchandise it conveyed." As quoted in Savage, Policy of the United States Toward Maritime Commerce in Time of War, I, p. 467.

¹⁹ United States Foreign Relations Supplement 1915, p. 170, Page to Bryan, July 24, 1915 (text of the British reply).

²⁰ Ibid.

²¹ Robert Lansing, War Memoirs (New York: Bobbs-Merrill Co., 1935), pp. 122-3; The Lansing Papers, I, pp. 296-303.

²² Lansing, War Memoirs, pp. 112, 122, 128; Daniel M. Smith, "Robert Lansing and the Formation of American Neutrality," Mississippi Valley Historical Review, Vol. 43, No. 1 (June, 1956), pp. 73-4.

²³ Edward H. Buehrig, "Wilson's Neutrality Re-Examined," World Politics, Vol. 3, No. 1 (Oct., 1950), p. 3.

²⁴ Lansing, War Memoirs, pp. 18-19.

²⁵ Smith, "Robert Lansing and the Formation of American Neutrality," pp. 72-3.

²⁶ Garner, "International Law and the European War," p. 607; Editorial Comment, American Journal of International Law, Vol. 9 (1915), p. 667 (this account cites 90 crew members); United States Foreign Relations Supplement 1915, p. 362, Skinner to Bryan, April 9, 1915. This account lists 147 passengers with a total of 242 on board, and of these, 136 were rescued, which included 89 passengers; Link, Wilson: The Struggle for Neutrality, p. 358. According to Link's account on p. 359, n. 31, Captain von Forstner had a reputation for cruelty. The U-28 had sunk the Aguila, a small British passenger liner, on March 27, and Forstner had opened fire on passengers and crew as they were abandoning ship. Eight persons were killed as a result. The next day the U-28 attacked the Falaba and von Forstner was reportedly on the deck taunting drowning passengers. Gibson and Prendergast, German Submarine War, pp. 35-6; Also see Arno Spindler, La Guerre Sous-Marine, trans. René Jouan (Paris: Payot, 1934), II, pp. 65-7.

²⁷ United States Foreign Relations Supplement 1915, p. 358, Page to Bryan, March 31, 1915; Link, Wilson: The Struggle for Neutrality, p. 358; also see Garner, "International Law and the European War," p. 607; Editorial Comment, American Journal of International Law, Vol. 9 (1915), p. 667.

²⁸ United States Foreign Relations Supplement 1915, p. 359, Council General Skinner to Bryan, April 7, 1915--p. 362, Skinner to Bryan, April 9, 1915 (Chief Officer Baxter also swore that the submarine flew the British flag but hoisted the German flag when hailing the Falaba)--p. 370, Gerard to Bryan, April 14, 1915 (The German Naval Department denied that the submarine flew the British flag at any time during the incident); Garner, "International Law and the European War," p. 607.

²⁹ United States Foreign Relations Supplement 1915, p. 370, Gerard to Bryan, April 14, 1915.

³⁰ The Lansing Papers, I, p. 365.

³¹ Ibid.

³² Ibid., p. 366. Bryan asks: "Can an American, by embarking upon a ship of the allies at such a time and under such conditions impose upon his Government an obligation to secure indemnity in case he suffers with others on the ship? I confess I have not yet been able to reach a conclusion which is entirely satisfactory to me..."

³³ Ibid., p. 368.

³⁴ Ibid., p. 375.

35 Ibid., p. 376.

36 Ibid., pp. 373-4.

37 Ibid., p. 378.

38 Ibid.

39 Ibid.

40 United States Foreign Relation Supplement 1915, p. 378, The Minister in the Netherlands (Van Dyke) to the Secretary of State, April 30, 1915. Germany later admitted that the Cushing was a mistake. The German aviator thought the Cushing was a hostile vessel because he did not see any flag or neutral markings. Ibid., pp. 431, 440, The Ambassador in Germany (Gerard) to the Secretary of State, June 1, 1915.

41 The Lansing Papers, I, p. 381; see also United States Foreign Relations Supplement 1915, p. 378.

42 New York Times, 1 May 1915, p. 19, col. 17. The advertisement appears in the middle of a page full of advertisements for steam ship companies. The notice is very small and inconspicuous.

43 United States Foreign Relations Supplement 1915, p. 378; Link, Wilson: The Struggle for Neutrality, p. 356.

44 United States Foreign Relations Supplement 1915, p. 378, The Consul at Plymouth (Stephans) to the Secretary of State, n.d.; Charles Seymour, The Intimate Papers of Colonel House (Boston: Houghton Mifflin Co., 1926), I, p. 432.

45 United States Foreign Relations Supplement 1915, pp. 397, 431, 440; The London Times, 1 June 1915, p. 7, col. 4, and 7 June 1915, p. 7, col. 5; The Gulf Light had inquired as to whether she could obtain a French pilot and was informed by Captain Gunter of the British patrol boat Filey that it was not possible. Captain Gunter advised the Gulf Light to follow the patrol boats to Bishop Rock. United States Foreign Relations Supplement, p. 397, The Ambassador in Great Britain (Page) to the Secretary of State, May 17, 1915.

46 The Lansing Papers, I, pp. 383-4.

47 Ibid., p. 383, The Counselor for the State Department (Lansing) to the Secretary of State, May 3, 1915.

48 United States Foreign Relations Supplement 1915, pp. 431, 440, The Ambassador in Germany (Gerard) to the Secretary of State, June 1, 1915.

49 Paolo E. Coletta, William Jennings Bryan, Vol. II: Progressive Politician and Moral Statesman, 1909-1915 (Lincoln: Univ. of Nebraska Press, 1969), pp. 301-10; Louis W. Koenig, Bryan: A Political Biography of William Jennings Bryan (New York: G. P. Putnam's Sons, 1971), pp. 539-41; See also William Jennings Bryan and Mary B. Bryan, Memoirs of William Jennings Bryan (Philadelphia: United Publishers of America, 1925), p. 420.

50 Link, Wilson: Struggle for Neutrality, p. 370; May, The World War and American Isolation, pp. 133-4.

51 Ibid., p. 134.

52 Thomas A. Bailey, "German Documents Relating to the Lusitania," Journal of Modern History, Vol. 8 (1936), pp. 320-21.

53 Thomas A. Bailey, "The Sinking of the Lusitania," American Historical Review, Vol. XLI, No. 1 (Oct., 1935), p. 58. No officers or crew were members of the regular navy.

54 The Lusitania, 251 Federal Reporter 722 (1918).

55 Thomas A. Bailey and Paul B. Ryan, The Lusitania Disaster (New York: Free Press, 1975), pp. 138, 195, 281. Turner testified during the Mersey Hearings in London that his orders instructed him to reach the Liverpool bar by 4:00 a. m. and not later than 9:00 a. m. (See p. 244.) On p. 203 and p. 209, Commander Anderson, Royal Navy, testified at the Mersey Hearings that Turner would have reached the Liverpool bar in time for the tide if he had sailed at 21 knots and zigzagged as advised by the Admiralty.

56 The Lusitania, 251 Federal Reporter 723 (1918).

57 Ibid.

58 Ibid., pp. 134, 280. According to this account the Lusitania was 12 miles from the Old Head of Kinsale.

59 Ibid., p. 117. Fregattenkapitän Herman Bauer, Commander of the High Sea Fleet, issued these instructions jointly to the U-20 and U-27. The U-30 had orders to go to Dartmouth. The U-27 was to be stationed in the Bristol Channel. See Bailey, "German Documents Re-

lating to the Lusitania," pp. 320, 324-5.

⁶⁰ Bailey and Ryan, The Lusitania Disaster, pp. 119, 124-27; Bailey, "German Documents Relating to the Lusitania," p. 333.

⁶¹ Ibid. Bailey's translation of Schwieger's log.

⁶² Ibid., pp. 335-6. The times noted in Schwieger's log are middle European time which is one hour faster than Greenwich time which the Lusitania used. This tragedy caused a sensation because of the heavy loss of life; 1,198 persons died when the vessel sank. There were hearings and many court cases for damages against the Cunard Company as well as insurance companies. The account given in The Lusitania Disaster by Bailey and Ryan is highly critical of the British Mersey Hearings and Judge Mayer's decision for the District Court of New York, because in both cases the Cunard Company was absolved of all liability and the captain was cleared of all charges of negligence. Both the Mersey Hearings and the District Court of New York were offered substantially the same evidence and Judge Mayer clearly referred to Lord Mersey's conclusions in rendering his own decision. Safety precautions, including life boat drills, were found to be similar to those exercised in similar passenger liners and were found adequate. Testimony taken from passengers had included complaints of rusted fittings, open port holes and inadequate preparation of crew for lowering life boats. See ibid., pp. 193-4. In examining this question, Judge Mayer noted that one must use the safety standards of that time in evaluating the precautions taken.

"Throughout this case it must always be remembered that the disaster occurred in May, 1915, and the whole subject must be approached with the knowledge and mental attitude of that time. It may be that more elaborate and effective methods and precautions have been adopted since then, but there is no testimony which shows that these boat drills, as practiced on the voyage, were not up to the then existing standards and practices." 251 Federal Reporter 718 (1918).

Bailey and Ryan feel that greater precautions could have been taken in closing port holes and bulkhead doors, life boat drills, etc. Bailey and Ryan, The Lusitania Disaster, pp. 299-302. This is undoubtedly true had anyone anticipated the sinking of the Lusitania, but no one did. Captain Turner exercised what was thought to be reasonable precautions at the time. The Lusitania's speed of 21 knots was thought to be sufficient to outdistance submarines. Ibid., p. 279.

Blessed with hindsight and German Admiralty documents, Bailey and Ryan are able to reason that Turner could have successfully evaded the U-20, if only he had followed the British Admiralty instructions. From the German documents, it is learned that the U-27 and the U-30 were no longer in Irish waters when the U-20 torpedoed the Lusitania. Hence Admiralty warnings of submarines in this area on May 6-7 were in error; there was, assert Bailey and Ryan, only one submarine, the U-20. Ibid., p. 135. If the Lusitania had followed general Admiralty instructions to avoid headlands and ports (submarines were known to lurk near headlands and ports), and proceeded to zigzag through submarine infested

waters, she might have been saved. Additional Admiralty instructions advised Captain Turner to steer a mid-channel course at full speed. Thus Bailey and Ryan reason that because Turner failed to follow any of these directives, the Lusitania perished. Ibid., pp. 141-2, 286-90.

The courts, however, did not have at their disposal all of the information now available to historians, and were under the impression that more than one submarine was in the vicinity of the Lusitania. Although a zigzag course had proven effective for naval vessels, merchant marine commanders were skeptical of the value of this technique. Ibid., p. 284. In his decision, Judge Mayer concludes "that it is impossible to determine whether, by zigzagging off the Old Head of Kinsale or elsewhere, the Lusitania would have escaped the German submarine or submarines." The Lusitania, 251 Federal Reporter 730. Furthermore, it was decided that the Lusitania was destroyed because she was hit by a torpedo fired by a German submarine and that the force of that torpedo was sufficient to sink the vessel. Ibid., pp. 723-4, 736. Judge Mayer found that, by virtue of the writings of legal scholars, the position of the American government, the German Prize Code, and the statements issued by the German government on the cases of the Falaba and the Sussex, that the action of the German submarine commander was illegal. Ibid., pp. 732-7.

⁶³ Link, Wilson: Struggle for Neutrality, pp. 370, 372.

⁶⁴ Ibid., pp. 379-81.

⁶⁵ Lansing Papers, Vol. I, p. 386, The Secretary of State to President Wilson, May 9, 1915; Colin Simpson, in Lusitania (London: Longman, 1972), pp. 11, 51, 191, 196, 210, 254, 256, insists that information regarding contraband carried by the Lusitania was hidden from the American people, which, as Bailey and Ryan, The Lusitania Disaster, pp. 102-6, point out, is complete nonsense.

⁶⁶ Lansing Papers, I, p. 386; Link, Wilson: Struggle for Neutrality, p. 381. The Lusitania was carrying 5,468 cases of ammunition which included 4,200 cases of shrapnel, 18 cases of fuses, 3 cases of shell castings and 1 package of empty high explosive shells cut in half. She was legally entitled to carry this contraband while functioning as a passenger vessel under a May 2, 1911 ruling of the Department of Commerce and Labor in an interpretation of section 4472 of the Revised Statutes of the United States. The Collector of the Customs of the Port of New York, Dudley Field Malone, verified that the ammunition "did not contain explosives within the interpretation of our statutes and regulations as interpreted and promulgated by the Department of Commerce and Labor in the above cited ruling." According to this ruling, the ammunition had been subjected to rigorous tests supervised by the Customs Department. Savage, Policy of the United States Toward Maritime Commerce in Time of War, II, pp. 334-6 (documents cited); also see Bailey and Ryan, The Lusitania Disaster, Chapt. 7, esp. pp. 106-8 for discussion of these and other controversial issues.

67 Lansing Papers, I, p. 386.

68 Ibid., p. 388.

69 Ibid., p. 392; Savage, Policy of the United States Toward Maritime Commerce in Time of War, II, pp. 57, 314.

70 Lansing Papers, I, p. 391.

71 Ibid.

72 Ibid., p. 390.

73 Link, Wilson: Struggle for Neutrality, p. 384.

74 Lansing Papers, I, p. 393.

75 Ibid., p. 396, also p. 399, Bryan to Wilson, May 12, 1915. The original text was written by Wilson and used the word "unarmed." Lansing and Anderson preferred the use of the word "unresisting"; Link, Wilson: Struggle for Neutrality, p. 385, n. 49, and p. 386. According to Link, Wilson followed Bryan's advice. Bryan preferred the term "unarmed." See also United States Foreign Relations Supplement 1915, p. 394.

76 Lansing Papers, I, p. 397. It was observed that submarines could not exercise visit and search nor put a prize crew on board, and that they could not sink merchantmen without leaving passengers and crew at the mercy of the sea.

77 United States Foreign Relations Supplement 1915, p. 396.

78 Link, Wilson: Struggle for Neutrality, pp. 377-8.

79 Ibid., p. 400; Jarausch, The Enigmatic Chancellor, p. 275.

80 Link, Wilson: Struggle for Neutrality, p. 400.

81 Baker, Woodrow Wilson, Vol. 5, p. 350; Link, Wilson: Struggle for Neutrality, pp. 400-1.

82 James W. Gerard, My Four Years in Germany (New York: Grosset & Dunlap, 1917), p. 170.

- 83 May, World War and American Isolation, pp. 205-6.
- 84 Ibid., p. 205.
- 85 Link, Wilson: Struggle for Neutrality, p. 398. Link's trans. of Spindler, La Guerre Sous-Marine, II, pp. 131-2.
- 86 Ritter, Sword and the Scepter, III, p. 132.
- 87 Link, Wilson: Struggle for Neutrality, pp. 389-90.
- 88 Ritter, Sword and the Scepter, III, p. 132; May, World War and American Isolation, p. 206; Jarausch, The Enigmatic Chancellor, p. 276.
- 89 May, World War and American Isolation, p. 207.
- 90 Tirpitz, My Memoirs, II, p. 406.
- 91 Görlitz, ed., The Kaiser and His Court, p. 82.
- 92 May, World War and American Isolation, p. 209; Ritter, Sword and the Scepter, III, p. 133; Jarausch, The Enigmatic Chancellor, p. 276.
- 93 May, World War and American Isolation, p. 209; Ritter, Sword and the Scepter, III, p. 133; Görlitz, The Kaiser and His Court, p. 83. Müller suggested that the Kaiser issue orders to spare large passenger liners and he agreed.
- 94 Tirpitz, My Memoirs, II, p. 407.
- 95 Jarausch, The Enigmatic Chancellor, p. 276; May, World War and American Isolation, p. 210; Ritter, Sword and the Scepter, III, p. 133; Görlitz, The Kaiser and His Court, p. 84. Müller reveals that he wrote the reply to the admirals refusing their resignations and that the Kaiser signed it.
- 96 See Ritter, Sword and the Scepter, III, p. 134.
- 97 United States Foreign Relations Supplement 1915, p. 420.
- 98 Ibid.; also see Link, Wilson: The Struggle for Neutrality, p. 403. Many of the German accusations regarding the destruction of

the Lusitania have been subsequently adopted by contemporary writers as a rationale for justifying German actions. Colin Simpson in Lusitania uses many of these accusations as the basis for his thesis that the Lusitania was destroyed by a combination of negligence on the part of the Cunard Company and the British Admiralty and a desire on the part of the Wilson Administration and the British government to use such an incident as a means of causing American public opinion to press for war with Germany. All of Simpson's "multitudinous errors" are admirably and thoroughly refuted in The Lusitania Disaster by Thomas A. Bailey and Paul B. Ryan. Those who wish to justify the the destruction of the Lusitania by the German defense often overlook the results of the inquiries launched by the Wilson Administration in response to the accusations levelled by Germany.

The Collector of Customs of the Port of New York, Dudley Field Malone, made a full report on the Lusitania to Secretary of State Bryan on June 4, 1915 regarding the questions raised by the German government in the May 28 note. These were Malone's findings as contained in The Lansing Papers, I, pp. 428-34:

1. The Lusitania did not carry guns of any description, mounted or unmounted, masked or unmasked. Malone included the affidavits of a number of customs officials, including himself, to this effect. Malone made the following statement on the matter: "In addition I, myself, boarded the steamship Lusitania on the morning of May 1, 1915, within one hour of the time of her actual departure and, after an inspection of her open bow deck and open stern deck, I can testify of my own personal knowledge that there were no guns of any character, mounted or unmounted, masked or unmasked, nor any blocks or blocking, or masked spaces on which guns might be mounted, on the said bow or stern decks, or the open promenade deck, around which I walked on the ship."

2. The Lusitania carried no Canadian troops. "Moreover the Lusitania carried no group or groups, no body or organization of passengers as such, with or without uniforms; and if any individual reservists of any nationality sailed on the Lusitania on this trip they did so as individuals, paying their own passage and receiving their own individual tickets." Malone cited affidavits of customs officials including the official who had inspected passengers for the vessel. Furthermore, it was stated that the Lusitania had not transported Canadian troops or troops of any other nationality on any previous voyage.

3. The Lusitania did carry contraband in the form of munitions which she was entitled to do according to law. A complete list of the cargo manifest was included in Malone's report as well as a copy of the laws which enabled the vessel to carry contraband. The munitions were not classified as explosives according to these laws, and tests had been administered which indicated that these munitions could be carried safely on passenger vessels.

In the first chapter of the book entitled The Lusitania Disaster, pp. 5-6, the authors describe the construction of the vessel and her potential as a war vessel. When she was first constructed, plans were made to equip the Lusitania with twelve six inch guns in wartime. She was built with provisions for "pillars and supports"

which would allow these guns to be put in position, should she be absorbed into the navy. Ibid., p. 5. Guns were never placed on the Lusitania and she remained in commercial service at the time of her destruction. At that time, the Lusitania was "subject to the operational control of the Admiralty, which could change her routing at anytime." Ibid., p. 6. Also the British government subsidized the Cunard Company for her maintenance and mail service, and the government owned more than half of the vessel. Bailey and Ryan make the following observation about the classification of the Lusitania. "Along with other British liners of 18 knots and over, a silhouette of the Lusitania appeared in Jane's Fighting Ships for 1914 for identification purposes. Brassey's The Naval Annual, 1914, categorized both the Lusitania and the Mauritania as 'Royal Naval Reserved Merchant Cruisers,' which meant that they were subject to call-up at the pleasure of the Admiralty in wartime, as were numerous other fast merchant ships." Ibid.

Bailey and Ryan, ibid., claim that the Lusitania was not suited for use as an armed vessel because she had no armoured plating and would, therefore, not withstand gun fire. Also the Lusitania's high fuel consumption made her potential use for war service impracticable. Ibid., p. 15. The manner in which the Lusitania, and similar merchant vessels, were listed in the British Admiralty roster made the classification of these vessels ambiguous. Ibid., p. 12. The German government had adequate notice of the British Admiralty's intention to arm and absorb the Lusitania in wartime because of the statements made by the First Lord of the Admiralty, Winston Churchill, in the House of Commons on June 10, 1913. Parliamentary Debates (House of Commons), 5th ser., LIII, col. 1431 (June 10, 1913), as cited in Bailey and Ryan, The Lusitania Disaster, p. 10. Bailey and Ryan, ibid., pp. 16-17, refute Colin Simpson's arguments that the Lusitania was armed.

The German allegation that the Lusitania sank rapidly because she was carrying munitions is answered by Bailey and Ryan in the negative. The second explosion was caused by bursting boilers. Ibid., p. 253. Bursting boilers, the authors observe, have caused numerous vessels to sink in a few minutes with heavy loss of life. Ibid., pp. 166-67.

The British Admiralty did indeed issue secret orders to merchant captains to ram hostile submarines. Ibid., p. 52. British Admiralty practices, Bailey and Ryan admit, made it difficult for German submarines to observe the conventional rules of international law. Ibid., p. 12.

⁹⁹ Link, Wilson: Struggle for Neutrality, pp. 403-5.

¹⁰⁰ Lansing Papers, I, p. 417; Savage, Policy of the United States Toward Maritime Commerce in Time of War, II, pp. 330-1, Lansing to Bryan, June 1, 1915.

¹⁰¹ Birnbaum, Peace Moves and U-Boat Warfare, p. 28.

¹⁰² Johann H. von Bernstorff, Memoirs of Count Bernstorff, trans. Eric Sutton (New York: Random House, 1936), pp. 141-2.

¹⁰³ Ibid., pp. 142-3; also see Link, Wilson: Struggle for Neutrality, pp. 412-13, 433. The German note of May 28, 1915 was received by the Secretary of State on May 31, 1915. United States Foreign Relations Supplement 1915, p. 419.

¹⁰⁴ Baker, Woodrow Wilson, Vol. 5, p. 351. Wilson had written a draft of the note by June 1.

¹⁰⁵ Lansing Papers, I, pp. 422-6, Secretary of State to Wilson, June 3, 1915.

¹⁰⁶ Ibid., p. 426, Lansing to Bryan, June 3, 1915.

¹⁰⁷ Ibid., pp. 427-8.

¹⁰⁸ See Baker, Woodrow Wilson, Vol. 5, pp. 351-5; Lansing Papers, I, pp. 437-8; Link, Wilson: Struggle for Neutrality, pp. 411, 414-19.

¹⁰⁹ United States Foreign Relations Supplement 1915, p. 437; Lansing Papers, I, p. 443.

¹¹⁰ United States Foreign Relations Supplement 1915, p. 438. In his advice to President Wilson on drafting the second Lusitania note, Lansing insisted that the word "unresisting" be substituted for "unarmed" which had been used in the first Lusitania note. He felt that Germany had based her defense on the use of this term in the American note. Secretary Bryan felt that it was necessary to make the distinction between armed and unarmed vessels. Because of the complexity of the subject of armed merchant vessels, Lansing felt that the term "unresisting" was more appropriate, given the fact that the Lusitania was not armed and not warned before she was destroyed. Although the term "armed" was originally used in Wilson's draft, Lansing eliminated it and the note stresses the fact that the Lusitania was not warned and, therefore, had no opportunity to resist. Lansing Papers, I, pp. 418-20, 443; United States Foreign Relations Supplement 1915, p. 437.

¹¹¹ Link, Wilson: Struggle for Neutrality, pp. 419-22; also see Baker, Woodrow Wilson, Vol. 5, pp. 351-56.

¹¹² Smith, Lansing and American Neutrality, pp. 70-2; Julius W. Pratt, "Robert Lansing Secretary of State," The American Secretaries of State and Their Diplomacy, ed. Samuel F. Bemis (New York:

Cooper Square Publishers Inc., 1963), pp. 53-4.

113 May, World War and American Isolation, p. 211, May's trans. of a memo by Bachmann, June 17, 1915, Politische Dokumente, II, pp. 359-60.

114 Link, Wilson: Struggle for Neutrality, p. 433; Jarausch, Enigmatic Chancellor, p. 277.

115 May, World War and American Isolation, p. 211.

116 Ibid., pp. 211-12; Link, Wilson: Struggle for Neutrality, pp. 433-4.

117 May, World War and American Isolation, p. 213.

118 Tirpitz, My Memoirs, II, p. 415.

119 Link, Wilson: Struggle for Neutrality, pp. 435-7.

120 May, World War and American Isolation, p. 213.

121 Link, Wilson: Struggle for Neutrality, pp. 436-8; May, World War and American Isolation, p. 213.

122 Link, Wilson: Struggle for Neutrality, p. 438; May, World War and American Isolation, pp. 213-14; United States Foreign Relations Supplement 1915, pp. 461-66.

123 Smith, Lansing and American Neutrality, pp. 88-9; also see Link, Wilson: Struggle for Neutrality, pp. 442-5.

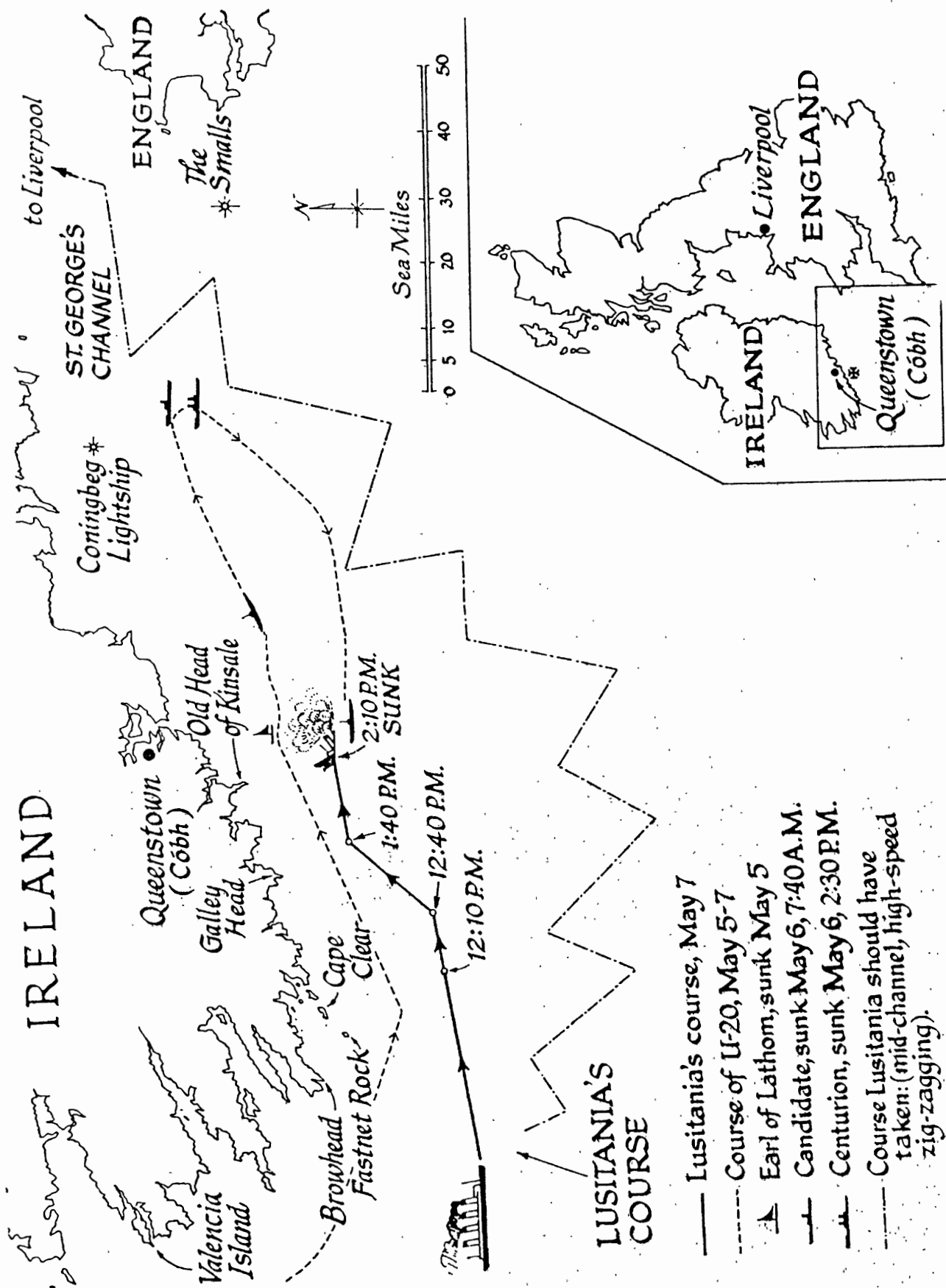
124 United States Foreign Relations Supplement 1915, p. 481; Savage, Policy of the United States Toward Maritime Commerce in Time of War, II, p. 361.

125 United States Foreign Relations Supplement 1915, p. 481; Savage, Policy of the United States Toward Maritime Commerce in Time of War, II, pp. 362, 356.

126 Link, Wilson: Struggle for Neutrality, p. 441.

127 Smith, Lansing and American Neutrality, p. 89.

- 128 Link, Wilson: Struggle for Neutrality, p. 450.
- 129 Smith, Lansing and American Neutrality, pp. 89-90.
- 130 Johann H. von Bernstorff, My Three Years in America (New York: Charles Scribner's Sons, 1920), p. 166.
- 131 United States Foreign Relations Supplement 1915, pp. 476-7, Secretary of State to the Ambassador in Germany (Gerard); Smith, Lansing and American Neutrality, p. 90; Bernstorff, My Three Years in America, p. 166.
- 132 Ibid., pp. 169-70; also see Link, Wilson: Struggle for Neutrality, pp. 451-3.
- 133 Ibid., p. 454; United States Foreign Relations Supplement 1915, p. 491, Ambassador in Germany (Gerard) to Secretary of State, July 29, 1915.
- 134 Birnbaum, Peace Moves and U-Boat Warfare, pp. 32-3; also see Ritter, Sword and the Scepter, III, p. 147.
- 135 Bernstorff, My Three Years in America, pp. 172-4.



CHAPTER IV

THE ARABIC CRISIS

The Arabic, a British passenger vessel of the White Star Line, was torpedoed and sunk without warning off the southern Irish coast on August 19, 1915 by Commander Schneider of the U-24. Commander Schneider had been in the process of sinking the English steamer Dunsley by cannon fire, when a large steamer came into view. Having been attacked by a large steamer a few days before, Schneider decided to submerge and attack this steamer without warning. Apparently Schneider was unaware of the identity of the vessel at the time he attacked her.¹ Although the Arabic had been the largest carrier of contraband on the North Atlantic route, she was carrying a cargo of mail and some 423 passengers on this voyage from Liverpool to New York. Forty-four persons, including two American citizens, died in the tragedy. The vessel was destroyed in violation of the July 6, 1915 orders of the German government to submarine commanders stipulating that no large passenger vessels be sunk. The orders, however, were not made known to the American government and, therefore, remained a secret of the German government.²

The incident interrupted the Lusitania negotiations, which were being conducted in Washington, and caused the Wilson Administration to seriously consider breaking relations with Germany. Secretary Robert Lansing thought that the sinking of the Arabic was

"wanton and inhuman" and, furthermore, that it served no military purpose. His advice to President Wilson on the issue was based on his assessment of public opinion. Although the American people did not want war, Lansing said, they were "incensed" over the Arabic incident. The United States would have to act, he continued, or her policies as outlined over past submarine sinkings would be considered a mere "bluff." In order to satisfy public opinion, Lansing advised that a special Cabinet meeting be held to show that the United States felt that the Arabic was a serious matter.³

President Wilson agreed with Lansing's analysis of the situation, but rejected his advice. Wilson felt that a special Cabinet meeting was not a good idea. He said that the Administration must wait until all of the facts were known before taking any action. The President said that any hasty action would give "the country the wrong impression, I fear with regard to our frame of mind."⁴ According to Arthur Link's account, this was a period of emotional crisis for President Woodrow Wilson which he faced in isolation from friends and family. If official reports concerning the Arabic showed that she was destroyed without warning or provocation, and if Germany refused to settle the matter amicably, then the die was cast. The previous notes written by the United States in regard to the Lusitania crisis left no alternative but to break relations with Germany over the Arabic case. "Perhaps he would do this if there were no honorable alternative. But it was an almost unnerving thing to contemplate, for the great majority of Americans shuddered, he was sure, at the thought of war, which might easily come once rela-

tions with Germany were severed."⁵ It was in this frame of mind, Link continues, that the President consulted his unofficial advisor, Colonel Edward M. House, on August 21.⁶ "I greatly need your advice what to do in view of the sinking of the Arabic, if it turns out to be the simple case it seems,"⁷ Wilson wrote to House. Two things were clear to him, the President said: in the first place, the American people wanted him to keep them out of war; and in the second place, it would be a catastrophe if the United States were drawn into the war and, therefore, unable to exert the impartial influence of a neutral at the end of the war.⁸

The Colonel was shocked by the President's perplexity, but, nevertheless, he advised that the Arabic case be settled with Germany before pressing England for satisfaction of American complaints against her.⁹ On August 22, House sent this additional advice:

Our people do not want war, but even less do they want to recede from the position you have taken. Neither do they want to shirk the responsibility which would be ours. Your first note to Germany after the sinking of the Lusitania made you not only the first citizen of America, but the first citizen of the world. If by any word or act you should hurt our pride of nationality, you would lose your commanding position overnight.

Further notes would disappoint our own people and would cause something of derision abroad....

To send Bernstorff home and recall Gerard would be the first act of war, for we would be without means of communication with one another and it would not be long before some act was committed that would force the issue.

If you do not send Bernstorff home and if you do not recall Gerard, then Congress should be called to meet the emergency and assume the responsibility. This would be a dangerous move because there is no telling what Congress would do in the circumstances....¹⁰

House indicated in his personal papers that his own preference was to sever relations with Germany, although he realized that this would

mean war. Charles Seymour, in The Intimate Papers of Colonel House, observes that, although the Colonel favored this course of action, he did not pressure Wilson to accept it.¹¹ The President did not accept Colonel House's advice on the matter.¹²

The American Ambassador to England, Walter Hines Page, sent the Secretary of State a bit of unsolicited advice on August 24 on the Arabic incident. Page felt that the United States ought to press Germany for an immediate settlement giving the following rationale for the need for haste:

Sir William Mather, who you know is a good representative of conservative-minded, non-political thoughtful Englishmen, called to see me yesterday to express the friendly grave fear lest delay in action should deepen the impression throughout Europe that the United States is seeking to maintain peace at the price of humiliation in the face of repeated offenses. This fear is becoming more or less general, even among thoughtful men.¹³

The President was perturbed at Page's presumption, indicating to Mrs. Galt, the lady who was to be the future Mrs. Wilson, that Page was becoming too imbued with British sympathies. "This makes one wish to order P. to visit his native land!"¹⁴ fumed the President.

On August 21, the President had agreed with Lansing's assessment of the seriousness of the Arabic incident and concurred that the United States ought not to "temporize" if the attack on the Arabic proved to be illegal.¹⁵ A White House news report of August 22 revealed the President's decision. The New York Times ran a front page article on August 23, stating that, if it was determined that the submarine had acted illegally, the United States would break relations with Germany.

While the President and his advisers are still waiting for full official information regarding the sinking of the White Star liner Arabic, it is known that the Administration already has decided upon the course it will pursue if details of the disaster show that it was a "deliberately unfriendly" act on the part of Germany. This was decided upon when the last note bearing on submarine warfare was sent to Berlin.

At that time the President and his Cabinet determined that if another merchant steamer should be sunk by a German submarine without warning and the lives of American citizens should be lost thereby, diplomatic relations should be broken with Germany and other steps should be taken to put the United States in a position to engage in a policy of reprisal or uphold the rights of its citizens on the high seas.¹⁶

The article went on to say that the President realized that a break in diplomatic relations might lead to war. The implications of severing relations with Germany had been considered when the Lusitania case was before the President and Cabinet.¹⁷

The Arabic incident caused a crisis in German-American relations which prompted both Secretary of State Lansing and the German Ambassador Bernstorff to exceed their authority in order to find some sort of peaceable solution to the problem. Secretary Lansing was fully aware that the American people did not want war, and yet the United States had placed herself in a difficult situation where retreat was impossible because of her rigid policies regarding the German use of submarine warfare. The solution, Lansing had decided, was to warn Germany of the severity of the matter and encourage her to alter her submarine policies, for a time. "He [Lansing] resolved to present Bernstorff with an ultimatum on the Arabic case, in full realization that such an unauthorized act might lead to his repudiation and resignation."¹⁸

The German Ambassador was fully aware of the gravity of the situation and requested, on August 24, that the United States postpone any action on the case until all the facts were known.¹⁹ During this time, Bernstorff sought to resolve the matter through the use of the case of the William P. Frye.²⁰ This course of action was suggested to Bernstorff by the American State Department.²¹ Counselor for the State Department Chandler Anderson told Bernstorff, on August 23, that the Arabic crisis might be resolved through the use of the William P. Frye case. Anderson suggested that, if German submarines followed international law, Britain would be deprived of her rationale for the defense of the blockade. He indicated that Germany might attempt to pressure Britain to stop interfering with American rights. If Britain did not abandon her blockade policies, Anderson implied that Germany would retain her freedom of action.²² The American note of August 10, on the Frye case, had suggested that the case be submitted for arbitration, provided that Germany agree to observe international law with regard to naval warfare.²³ On August 24, Bernstorff cabled to the German Foreign Secretary, Gottlieb von Jagow, his suggestion that this proposal be applied to the Arabic case.

With regard to the confidential negotiations which I hope soon to be able to take up with the American Government, it seems that the last paragraph of the American Frye note of 10th inst. contains a suggestion which may prove useful in the general negotiations concerning Lusitania and Arabic. I understand the suggestion so that we should refrain from attacking passenger ships, without warning pending negotiations, which would put the burden on England to refrain from unlawful blockade pending negotiations. It does, however, not mean that we should give up the whole submarine warfare.²⁴

When the German Ambassador handed Secretary Lansing the above telegram for transmission to his government, Lansing informed him, after reading it, that the cases of the Lusitania and the Arabic were dissimilar. Lansing urged a speedy settlement of the Arabic case, insisting that Germany disavow the actions of the submarine commander.²⁵

On the next day, August 27, the Secretary again requested that the German Ambassador meet with him in the State Department. He told Bernstorff that unless Germany guaranteed that passenger liners would not be destroyed without warning, war would occur. The Secretary went on to say that no further conferences on the subject would take place until Germany had given such a guarantee.²⁶ Lansing's warnings convinced Bernstorff of the gravity of the situation, which he communicated to his government. President Wilson would not permit any procrastination in regard to the Arabic affair, the Ambassador reported. Because the Lusitania negotiations had taken so long, the President thought that the Arabic case should be settled as soon as possible in order to retain the respect of the American people; furthermore, Wilson was prepared to sever diplomatic relations if Germany did not respond. The situation, Bernstorff opined, was similar to that which caused the Spanish-American War.²⁷ Lansing's ultimatum to Bernstorff facilitated the resolution of the Arabic case. However, Lansing had exceeded his authority in issuing it.²⁸

Both President Wilson and Secretary Lansing felt that the telegram which Bernstorff submitted for communication with his government did not adequately convey the American position. Wilson thought that the safety of passengers should be provided above all. On August

27, he wrote Lansing, saying: "Our point is, not merely that no passenger ships should be attacked without warning, but that care should be taken to make adequate provision for safe-guarding the lives of non-combatants. Mere warning on a stormy sea, mere putting of passengers and crew into open boats, might be as brutal as giving no warning at all."²⁹ The President suggested that Bernstorff's telegram would be accepted if he included the phrase "without warning and provision for the safety of the lives of non-combatants."³⁰ Bernstorff made the change and the message was dispatched on August 28 with the admonition that further negotiations would be impossible if the Arabic incident were not properly settled.³¹ In addition, Bernstorff sent two more telegrams on August 28. The first one indicated that the United States could not wait very long for an explanation of the Arabic incident, because of the state of public opinion; and the second telegram requested, at Lansing's behest, a statement of instructions given to submarine commanders.³²

The destruction of the Arabic caused a crisis in the German government which resulted in the temporary cessation of the U-boat war, a move the Chancellor, Bethmann Hollweg, deemed necessary to prevent a catastrophe.³³ A few days after the sinking of the Arabic, the Chancellor had a message sent to the fleet warning that the July 6 orders that no large passenger vessels be sunk without warning was still in effect.³⁴ Foreign Secretary von Jagow told the American Ambassador in Germany, James W. Gerard, on August 24, that if the Arabic had been destroyed without warning, the submarine commander had violated his orders. Gerard asked: "What were the instructions?" The Foreign Secretary replied: "Not to torpedo without notice." "You

mean passenger ships?" Gerard queried. Secretary Jagow did not respond. The American Ambassador reported that von Jagow seemed very worried about the Arabic incident.³⁵ The members of the Foreign Office were extremely agitated, by all accounts, over the Arabic incident and the possible implications in regard to American foreign policy. Secretary von Jagow's statements to Gerard, as Ernest R. May points out in The World War and American Isolation, were not in keeping with the Emperor's orders that the submarine commanders' instructions remain secret.³⁶ Nevertheless, Jagow continued his conversations with Gerard on the subject and on the next day, August 25, he informed Gerard that, if the Arabic had been destroyed in violation of current orders, Germany would disavow the act and pay an indemnity, and that Gerard could so inform his government. Gerard repeated his question as to what the instructions were. The Secretary said: "Not to torpedo passenger ships without notice and giving the crew and passengers an opportunity to leave the ship."³⁷ The American Ambassador pressed von Jagow further, asking whether the instructions referred only to passenger vessels or to merchant vessels as well. He said "he could not answer that," reported Gerard, "but knew they did refer to passenger ships."³⁸

Without waiting for the return of the U-24, the vessel which sank the Arabic, the Chancellor urged that new orders be issued to submarine commanders to the effect that all passenger liners be warned and allowed to evacuate passengers and crew before being destroyed. The Chancellor found the tension with the United States unbearable, because the situation was such that the act of a single

submarine commander could result in war with the United States. Consequently, Bethmann Hollweg arranged the August 26, 1915 Pless conference, which was held in order to discuss the Arabic incident and the Chancellor's proposals. The conference was attended by the political, military and naval leaders and was presided over by Kaiser Wilhelm II.³⁹ General Erich von Falkenhayn, the Chief of the General Staff, supported the Chancellor's policies because of the precarious situation in the Balkans.⁴⁰ Falkenhayn's position on these issues was based on military considerations. On the other hand, the Grand Admiral Alfred von Tirpitz, the Naval Secretary, and Gustav Bachmann, the Chief of the Naval Staff, were violently opposed to the Chancellor's policies. Bethmann talked to the admirals, prior to the main conference, in an effort to get them to agree to the publication of the secret June orders, so that the United States might be informed that the sinking of the Arabic was a mistake. Admiral Bachmann refused to consider this. Admiral von Tirpitz stated that the United States was already aware of the orders, because she knew that no passenger liners had been destroyed during June and July. As long as the U-boats operated in the war zone, he continued, the safety of large passenger vessels could not be guaranteed. If Germany wished to prevent a conflict with the United States, the entire campaign would have to be abandoned. The Naval Secretary insisted that the main issue of the debate must be whether or not the submarine campaign should be abandoned.⁴¹

The Chancellor, nevertheless, sought the acceptance of his policies at the main conference, insisting that he "could not walk on a volcano forever" on the submarine issue.⁴² Bethmann wanted submarines to observe cruiser rules of warfare with regard to all passenger

vessels, that is: that the vessels should be warned and passengers and crew be evacuated before destroying the ships. Also, American damage claims would be submitted for arbitration. Finally, Britain should be encouraged to observe the Declaration of London on maritime law. The admirals opposed all of the Chancellor's proposals. They argued that the implementation of cruiser rules of warfare would not only be an admission of the illegality of the campaign, but it would make the execution of the submarine war impossible. Furthermore, Germany would not gain the support of the United States if these policies were carried out. The naval authorities refused to make any concessions in the submarine war. Admiral Tirpitz observed that the United States was already an enemy of Germany and the concessions proposed by the Chancellor would not change American sympathies. Also, the admirals vehemently opposed urging Britain to observe the Declaration of London. Admiral Bachmann felt that this would undermine Germany's legal basis for the submarine war. The submarine campaign was justified as a reprisal because of the British blockade, and, if Britain were to observe the Declaration of London, Germany would lose her rationale for her reprisal. Since the admirals felt that the campaign was necessary, Admiral Bachmann argued that Germany would not benefit by Britain's observance of the Declaration.⁴³ The Foreign Office, however, advocated encouraging the United States to pressure England into relinquishing her blockade practices.

The Chancellor spoke in his own behalf during the conference, strongly backed by the Chief of the General Staff. General Falken-

hayn said that everything, even the termination of the submarine war, must be done to avoid conflict with the United States. He observed that the past six months had demonstrated that the submarine was not an effective weapon against England and that it was absurd to think that the submarine campaign would be effective in the future.⁴⁴ A spirited discussion of the issues ensued, and the Kaiser finally ruled that the Chancellor and the navy should prepare a statement to be sent to the United States, in the future, and submit it to him.⁴⁵

After the conference, the Chancellor was a furious man who declared that he would not leave Pless "until His Majesty had ruled in his favor."⁴⁶ Gerhard Ritter observes that the Chancellor revealed a side of his personality which was only rarely visible and began conducting himself in an aggressive manner.

We see here one of those rare moments when the Chancellor, usually cautious and slow-moving, openly lost his temper, asserting his will and even more, his responsibility. Bypassing the admirals, he subsequently had his way with the Kaiser, first in a private audience and then in an exchange of wires with Berlin.⁴⁷

On the evening of August 26, Bethmann received a telegram from Ambassador Bernstorff, dated August 20, which warned that a break in diplomatic relations was near. "I fear I cannot prevent a rupture this time if our answer in the Arabic matter is not conciliatory; I advise dispatch of instructions to me at once to negotiate whole question. Situation may thus perhaps be saved."⁴⁸ The next day the Chancellor confronted the Kaiser with this telegram in a private audience, in an effort to gain acceptance of the policies he had advocated on August 26. The Emperor gave his approval to Bethmann's

proposals.⁴⁹ On August 28, the Chancellor instructed Bernstorff to inform the American government that submarines would observe cruiser rules of warfare in regard to passenger liners; that is, that warning would be given and provisions would be made for the evacuation of crew and passengers. This pledge was based on the condition that the passenger vessels did not offer resistance or attempt to escape.⁵⁰ Admiral Bachmann was offered the opportunity to approve the dispatch to Bernstorff. When he refused, the Chancellor notified Colonel Treutler that the Admiralty Staff would not accept the Kaiser's ruling. Admiral von Müller and Colonel Treutler brought the matter to the attention of the Kaiser, who then issued orders to the fleet to the effect that passenger vessels would be subject to cruiser rules of warfare. On the next day, August 30, 1915, the Kaiser issued additional orders which suspended the submarine war in the war zone. The orders, which may have been issued at the Chancellor's insistence, stated that no submarines would be stationed on the western coast of England where passenger ships often sailed.⁵¹ The admirals were furious. The Naval Secretary, von Tirpitz, offered his resignation, which the Kaiser refused.⁵² Although the Grand Admiral was too powerful to be allowed to resign, his power was curtailed. Henceforth he was no longer permitted to give advice on all matters of naval warfare, and thus was denied direct access to the Kaiser.⁵³ Admiral Bachmann did not fair as well as his superior, for the Kaiser removed him from his post as Chief of the Naval Staff. Admiral von Müller suggested that Admiral Henning von Holtzendorff would be a suitable replacement and the Kaiser agreed.⁵⁴ Admiral Müller thought

that Holtzendorff was a good choice because of his good political relations with the Chancellor and because the Admiral held political views similar to those of the Chancellor. Also Holtzendorff was not considered a U-boat enthusiast.⁵⁵ Indeed, the Admiral was thought to be an opponent of von Tirpitz.⁵⁶ One of Admiral Holtzendorff's first acts as Chief of the Naval Staff was to issue a secret order, on September 18, to the effect that commercial submarine warfare near the British Isles would be restricted to cruiser rules of warfare and be confined to the North Sea for the next few weeks.⁵⁷ Although Admiral Holtzendorff had ordered a curtailment of the U-boat war, Germany had not given up the right of using the submarine campaign in retaliation for Britain's use of the blockade. The Chief of the Naval Staff sought to keep the new submarine policy secret by allowing isolated submarine attacks against merchant vessels, thus giving the impression that the commercial submarine war was still being conducted in British waters.⁵⁸

Ambassador Bernstorff probably received his instructions on August 28, the day on which they were dispatched. He found them of no immediate use, because the American Secretary of State had stipulated that the Arabic case must be settled first, prior to a discussion of the broader issues. The instructions did not mention the Arabic but were addressed to the entire conduct of the submarine campaign. Bernstorff encouraged the notion, in the United States, that the Arabic case would be settled shortly. Meanwhile, he wired for further instructions on August 31, indicating that the situation was critical.

The American Government very impatient because of the domestic situation. If we want to avoid rupture..., it is necessary to reply immediately about the Arabic and at least to make known confidentially the instructions that our submarine commanders have received. American Government satisfied with our declaration but is on guard, believing we wish to evade by dilatory tactics and does not want to discuss other matters until the Arabic incident has been settled. It suffices if we say that the instructions to our commanders were and will be maintained throughout the duration of the negotiations.⁵⁹

The German government did, indeed, want to prevent a break in diplomatic relations. The Foreign Office sent the Ambassador news of the change in instructions to submarine commanders "exclusively for his personal information," on August 31.⁶⁰ However, the American Ambassador, James W. Gerard, refused to send the dispatch because he was in a tiff.⁶¹ The fact that the telegram had not been transmitted was not discovered by the Foreign Office until the following day, when Bernstorff's warning was received in Berlin. The Foreign Office then sent an additional message to the Ambassador by way of Stockholm, a much slower route. The Foreign Secretary thus informed Bernstorff that the U-boat which might have been responsible for the destruction of the Arabic had not yet returned from its mission, and, therefore, it was impossible to supply the United States with a report on the subject at that time. The message carried the following additional instruction:

You may confidentially inform the American Government that for several months submarine commanders have had orders not to attack large liners without warning and the rescue of passengers and crews. If the Arabic was attacked without warning, this would have been contrary to instructions. The order has now been modified to include all liners (passenger ships). The instructions will be in force for the duration of the negotiations.⁶²

It was at this point that the German Ambassador decided to take matters into his own hands and interpret his instructions in a manner which would resolve the situation. Ambassador Bernstorff gave the United States the pledge of safety for passenger liners, which instructions authorized him to do. He knew that this was not precisely what Secretary Lansing desired, but he felt that it would pave the way for the eventual disavowal of the actions of the submarine commander and a damage settlement, as the United States had demanded. In the meantime, the American government's knowledge of the instructions to submarine commanders would prevent a break in diplomatic relations. Bernstorff believed that it was absolutely necessary to give these guarantees. In his dealings with the United States, Bernstorff had become convinced that submarine warfare must be conducted according to cruiser rules of warfare. He knew that the submarine campaign against commerce was antithetical to German interests, because a continuation of this policy would lead to war with the United States, which he believed would be disastrous for Germany. The Ambassador felt that Germany should admit that the Lusitania and the Arabic had been destroyed illegally and offer to make compensation for the loss of life and property.⁶³ Furthermore, Count Bernstorff hoped to stimulate American action against the British blockade and to eventually encourage German-American co-operation in obtaining freedom of the seas.⁶⁴ Bernstorff's opinions on the subject of submarine warfare were closer to the American point of view than to the policies of the German government. Consequently, the Ambassador often found himself at odds with his own gov-

ernment. Indeed, Germany considered Bernstorff pro-American and consequently discounted his opinions in the belief that Bernstorff was attempting to initiate policy favorable to the United States.⁶⁵ The German government wanted only to avoid a break in relations with the United States and had no intention of adhering to cruiser rules of warfare indefinitely in the conduct of the submarine war. Karl E. Birnbaum says that this policy was based on a skeptical attitude toward President Wilson on the part of the German government and the mood of public opinion which was preoccupied with anti-Americanism and an enthusiasm for the use of the submarine. The role of public opinion was crucial at this time, and German officials were wary of any appearance of giving in to the United States on the U-boat issue, lest they invoke the public wrath.⁶⁶ The German government was anxious to reserve her freedom of action (Freiheit der Entschliesungen) on the U-boat issue.⁶⁷

On September 1, 1915, Ambassador Johann von Bernstorff contacted Secretary of State Robert Lansing and requested an appointment, which Lansing granted that day. The Ambassador quite probably told Secretary Lansing why he wanted to see him, for Lansing notified the President immediately after Bernstorff's telephone call.⁶⁸ Ambassador Bernstorff told Lansing that his government was willing to guarantee the safety of American citizens travelling in the war zone, but that the pledge would have to remain confidential. Submarines, he continued, had been instructed not to sink passenger liners without warning and to provide for the safety of the non-combatants. These instructions, Bernstorff said, were issued prior to the destruc-

tion of the Arabic. Unfortunately, the German government still had no information on the sinking of the Arabic, but would issue an explanation when all the facts were known. The American Secretary of State was pleased with Bernstorff's statement, but pointed out that, if the pledge of safety for passengers travelling in the war zone remained secret, the value of the pledge would be diminished because of the tenor of public opinion. Something must be done, Lansing continued, to reassure the public. The Ambassador agreed, while thinking to himself that no secret ever remained such in Washington for very long and that the pledge would probably be revealed anyway. Thus Ambassador Bernstorff unhesitatingly agreed that his statements be published in the American press, knowing full well that this constituted a violation of his instructions.⁶⁹ On the following day, this statement appeared on the front page of the New York Times:

Washington D. C. September 1, 1915

My Dear Mr. Secretary: With reference to our conversation of this morning, I beg to inform you that my instructions concerning our answer to your last Lusitania note contains the following passage:

"Liners will not be sunk by our submarines without warning and without the safety of the lives of non-combatants, provided that the liners do not try to escape or offer resistance."

Although I know that you do not wish to discuss the Lusitania question till the Arabic incident has been definitely and satisfactorily settled, I desire to inform you of the above because this policy of my Government was decided on before the Arabic incident occurred.

I have no objection to your making any use you may please of the above information.

I remain, my dear Mr. Lansing, very sincerely yours,

J. Bernstorff

In connection with the letter, Secretary Lansing made the following statement:

In view of the clearness of the foregoing statement, it seems needless to make any comment in regard to it, other than to say that it appears to be a recognition of the fundamental principle for which we have contended.⁷⁰

The German Ambassador, Count Johann Bernstorff, was subsequently reprimanded by his government because he exceeded his instructions,⁷¹ although the pledge given by the Ambassador alleviated the Arabic crisis at this point. The sinking of the armed British passenger liner, Hesperian of the Allan Line, off the Southern Irish Coast, on September 4, exacerbated the Arabic incident. The 10,920-ton Hesperian was carrying 650 persons on her voyage from Liverpool to Montreal, when the incident occurred, causing the death of eight people. The only American on board was a crew member and he was uninjured. The ship's officers swore that the vessel was attacked without warning by a German submarine.⁷² The incident created doubt within the Wilson Administration about the sincerity of the Arabic pledge issued by the German Ambassador. The Administration was determined to defer judgment, however, until a full report could be obtained. On September 7, Secretary Lansing requested that the German Foreign Office furnish information on the Hesperian.⁷³ Meanwhile, the German government issued statements to the press saying that the Admiralty had no knowledge of any German submarine operating near Fastnet where the Hesperian was destroyed.⁷⁴ In addition, Ambassador Bernstorff informed Secretary Lansing that the vessel had probably struck a mine.⁷⁵ The German Foreign Office asserted on September 13, and again on September 23, that there was no German submarine operating in the area where the Hesperian was destroyed on September 4, and that the

vessel probably hit a mine.⁷⁶ Although State Department officials apparently still doubted this explanation, they lacked the evidence to press the case.⁷⁷

The President and Secretary of State became impatient with the delay in the report on the Arabic's destruction. Lansing's impatience reached the point where he was willing to threaten Germany with war, on his own initiative, if she did not repudiate the Arabic incident.⁷⁸ Fortunately for Lansing, as Arthur Link points out, the German reply of September 7 created an atmosphere where the Secretary was able "to take the United States to the brink of war with the President's full knowledge and approval, and without having to run the risks of a private démarche."⁷⁹

The German note of September 7, 1915 explained that the German submarine commander thought that the Arabic was going to attack and ram the submarine because she changed course and headed directly for the submarine; consequently, he torpedoed the Arabic without warning.⁸⁰ The submarine commander was operating under orders to give warning and to allow passengers and crew to evacuate the vessel before destroying her, unless the vessel attempted to resist or escape. Under the circumstances, the note continued, the commander assumed that the Arabic intended to attack the submarine and responded accordingly. The submarine commander had been attacked a few days before by a large passenger vessel. The German government regretted that the Arabic incident had caused the death of American citizens. Germany was unable to admit responsibility or pay compensation for damages, although the submarine commander may have mistakenly assumed the hostile intent

of the Arabic. If Germany and the United States were unable to reach an agreement on this case, the German government was prepared to submit the case to the Hague Court for arbitration.⁸¹

Although the German Foreign Office was aware that the United States had demanded that Commander Schneider be repudiated and punished for the sinking of the Arabic, this was not possible because of his testimony. If Commander Schneider's account were accurate, he did not deserve to be reprimanded, and the Chancellor and Foreign Secretary reasoned that there was, therefore, no need for an apology. According to Professor Link's account, the Foreign Office could not have disavowed Schneider even if his report was considered inaccurate, because of the potential opposition of the navy. There was no reason to doubt Commander Schneider's report, and the Foreign Office did not wish to embarrass the new Chief of the Naval Staff, Admiral von Holtzendorff, or to risk the displeasure of the German people. Bethmann Hollweg and the Foreign Secretary, von Jagow, "would go to great lengths to conciliate the United States, they must have told themselves, but not to the length of dishonoring themselves, the Imperial navy, and the German nation by craven surrender."⁸²

The German note of September 7 arrived in Washington at a most inauspicious time, for the Wilson Administration was preoccupied with the diplomatic transgressions of the Austrian Ambassador, Dr. Constantin Dumba, who had been caught while attempting to smuggle diplomatic dispatches to Berlin and Vienna via the American citizen, James F. J. Archibald. The dispatches were part of an espionage plot to cause strikes among Austro-Hungarian workers employed in American

munitions and steel factories. The American government was in the process of demanding that the Austrian government recall Dr. Dumba, when the Hesperian was destroyed, thus bringing up the subject of submarine warfare. Since Ambassador Bernstorff was implicated, for a time, in the Dumba Affair, but later exonerated, the Wilson Administration was not well disposed toward Germany at this time.⁸³

The American Ambassador, James W. Gerard, reported on September 9 that there seemed to be a disparity between the pledge issued by Ambassador Bernstorff and the tenor of the German note which was apparently drafted according to naval policy rather than the policies of the Foreign Office. Since the Arabic had been destroyed, the report continued, three submarines had not returned from the war zone and at least one of these, the U-27, had been attacked by a British destroyer. Two submarines had been attacked while attempting to follow cruiser rules of warfare. Hence the navy was contending that, if the current instructions were followed, the submarine campaign would be a failure. Gerard believed that the navy had used these facts to influence the drafting of the September 7 note, which he felt constituted a reversal of the Arabic pledge issued by Bernstorff.⁸⁴

Secretary of State Robert Lansing was dissatisfied with the German explanation because the facts given by the German government did not coincide with other accounts of the sinking. Lansing believed that the Arabic had never been close enough to the Dunsley for the German submarine to assume that it might ram it. He relied on evidence which indicated that the Arabic had been two miles away from the Dunsley when she was destroyed by the U-boat. The Secretary

concluded that the failure of the German government to admit liability for the Arabic and offer an indemnity amounted to a justification of the actions of the submarine commander, and, therefore, that persons travelling on merchant vessels in the war zone had no guarantee of safety. "It seems to me," Lansing said, "that we must reach a conclusion that the Bernstorff statement of principle is valueless and cannot be relied upon as a protective measure." He recommended that the German government be informed that the explanation was unacceptable, that the United States demand that the submarine commander be disavowed and punished, and that the German government admit that the Arabic was destroyed contrary to instructions. If Germany refused, the United States should sever relations.⁸⁵

President Wilson agreed with the Secretary that the German note of September 7 was not in keeping with the Arabic pledge and that the United States would have to demand a disavowal of the incident. However, he felt that he should be patient with Germany for the sake of the American people. Although the President was prepared to demand a public disavowal of the incident, even to the point of threatening to break diplomatic relations, he was not, unlike Secretary Lansing, prepared to do this in the immediate future. Nevertheless, the President instructed Lansing to demand a disavowal of the sinking of the Arabic and a restatement of the Arabic pledge.⁸⁶

Alarmed by newspaper reports of the American government's dissatisfaction with the German note, Ambassador Bernstorff requested a meeting with Secretary Lansing. The Secretary informed Bernstorff, on September 13, that the German government's support of the subma-

rine commander's destruction of the Arabic had cancelled the guarantee of safety given by the German Ambassador. Since the German government had not said exactly what the instructions to the submarine commanders were, the United States could not be sure, observed the Secretary, what discretionary powers had been allocated to the submarine commander. The fact that the Arabic had been mistakenly destroyed cast doubt on the viability of the instructions. The German government should broaden the instructions, Lansing continued, to include all merchant vessels. The American Secretary said that the evidence in the Arabic case clearly indicated that the actions of the submarine commander were unjustified, and, therefore, the only question that the United States was willing to submit for arbitration was the amount of the indemnity Germany should pay. Germany should admit that the Arabic incident was a mistake and disavow the actions of the submarine commander. The German Ambassador was most conciliatory, Lansing reported to President Wilson, and his attitude indicated that he would do anything to prevent a break in diplomatic relations. However, Bernstorff seemed doubtful as to whether he could get Germany to change her policies.⁸⁷

Ambassador Bernstorff faithfully reported to his government that the United States would not respond to the September 7 note, because it was "considered to be a manifestation of German bad faith—a sign that we may perhaps give way in principle, but will always in practice seek to evade our obligations thus incurred." The report contained a summary of what the Secretary had told him and a request for instructions to publish the instructions given to submarine commanders.⁸⁸

The American President indicated in an off-the-record press interview on September 15, 1915 that he intended to press Germany for a disavowal of the Arabic incident and a guarantee for the safe passage of American citizens through the war zone or sever relations with Germany.⁸⁹

According to Arthur Link's account of these events, the German government was shocked to find that the United States considered the September 7 note a manifestation of bad faith and a repudiation of the Arabic pledge. Admiral Holtzendorff had no intention of resuming the submarine war on passenger vessels at that time. The Chancellor told the Foreign Office to inform the United States that Germany intended to honor the Arabic pledge. Although he was willing to extend the pledge to include all merchant vessels, the navy would probably not be willing to accept this. Also it would not be possible to repudiate the actions of Commander Schneider.⁹⁰ The Foreign Secretary, Gottlieb von Jagow, drew up new instructions on September 17 for Ambassador Bernstorff. The instructions indicated that cruiser rules of warfare would be followed in regard to passenger liners, provided that they did not attempt to resist or escape. In cases of doubt, the attack was to be aborted, and, if the submarine commander exceeded these instructions, he would be reprimanded. The facts given by the German government in the Arabic case were provided by the commander and crew of the submarine. The statements were given under oath and in good faith. Germany offered, however, to submit the case to an international commission of inquiry as provided by the Hague agreement of 1910. In order to avoid a break in diplomatic relations,

Bernstorff could say that, if it was proven that the Arabic was destroyed contrary to instructions, the German government would pay an indemnity out of friendliness; however, Germany refused to admit any liability. The new instructions could not be extended to cover freighters, because many English freighters were armed and instructed to attack submarines. Finally, Germany felt that new submarine incidents were impossible because of the new orders. But, if new incidents did occur, they would be contrary to instructions and submarine commanders who violated them would be reprimanded.⁹¹

In an additional effort to conciliate the United States, the Foreign Secretary explained the position of the German government to the Associated Press in Berlin on September 18.⁹² And on the next day, he handed Ambassador Gerard a note designed to settle the William P. Frye case. The last paragraph of the note guaranteed that German naval vessels would not destroy American merchantmen which carried conditional contraband, although it was legally permissible to destroy such vessels under certain circumstances. The German government reserved the right, however, to destroy American merchantmen carrying absolute contraband as provided for by the Declaration of London.⁹³ Meanwhile, Admiral Holtzendorff issued an order to suspend all U-boat activity around the British Isles, restricting the submarine war to the North Sea under cruiser rules of warfare.⁹⁴

Ambassador Bernstorff contacted Colonel Edward M. House, on September 26, to say that the German government was willing to give additional assurances for the Arabic pledge. Germany suggested that the case be submitted to an international court of inquiry and was

willing to pay indemnities for the destruction of the Arabic. If this were not an acceptable basis for settlement of the Arabic case, Bernstorff said he would attempt to gain some sort of disavowal from his government.⁹⁵ President Wilson was pleased with these events. Arthur Link believes that the President probably would not have demanded the disavowal "to the point where a rupture would have been inevitable if it were not conceded." For the President was most certainly impressed by the reaffirmation of the Arabic pledge and by the fact that Germany offered to submit the case to an international court of inquiry.⁹⁶

On September 27, Bernstorff received final instructions from his government indicating that Schneider would not be disavowed. Secretary Lansing was given the following note on October 2:

The orders issued by His Majesty the Emperor to the commanders of the German submarines—of which I notified you on a previous occasion—have been made so stringent that the recurrence of incidents similar to the Arabic case is considered out of the question.

According to the report of Commander Schneider of the submarine that sank the Arabic and his affidavit as well as those of his men, Commander Schneider was convinced that the Arabic intended to ram the submarine, and he evidently had every reason to be so convinced. On the other hand, the Imperial Government does not doubt the good faith of the affidavits of the British officers of the Arabic, according to which the Arabic did not intend to ram the submarine. The attack of the submarine, therefore, was undertaken against the instructions issued to the commander. The Imperial Government regrets this and has notified Commander Schneider accordingly.

As you know, my Government does not recognize the liability of paying indemnity for the American lives, which to its deep regret have been lost on the Arabic.

However, in a spirit of conciliation and friendship for the United States my Government will be prepared to pay an indemnity, about the amount of which I am authorized to negotiate with you.⁹⁷

In addition, the German Ambassador handed Secretary Lansing the first draft of a German note on the Lusitania.⁹⁸ Unfortunately, the Ambassador said, Germany was not able to disavow the Arabic incident.⁹⁹ Although President Wilson felt that the German government was sincere in giving the assurances that submarine warfare would be conducted according cruiser rules of warfare in the future, he would have to insist on a disavowal of the Arabic incident.¹⁰⁰ He agreed with Secretary Lansing that "we could not accept a note of that sort."¹⁰¹ On October 4, 1915, the Wilson Administration indicated through the press that Ambassador Bernstorff's note of October 2 was not acceptable and that, if Germany did not satisfy the American point of view on the Arabic, diplomatic relations might be broken.¹⁰² On the same day, Secretary Lansing requested that Ambassador Bernstorff meet with him. When the Ambassador spoke with him on the following day, Lansing said that the third paragraph of the October 2 note was unacceptable, because Germany accepted Schneider's rationale for the Arabic incident. Count Bernstorff said he would delete this portion of the note. The note failed to unequivocally disavow the incident, the Secretary observed, although the language implied as much. Bernstorff replied that that had been the intent. When Lansing asked why the note had not been more explicit, the Ambassador said he would revise it accordingly. The Secretary went on to advise that the portion of the note which dealt with the subject of an indemnity should be changed to say that the indemnity would be paid in recognition of liability. The German Ambassador said that he was not sure his instructions permitted him to make the changes as requested, but that he would con-

sult the instructions and make the changes if it were permissible. He would send the Secretary a new note within an hour, Bernstorff promised.¹⁰³

Ambassador Bernstorff was not certain that his instructions would allow him to make the changes requested by Secretary Lansing, but he drafted a new note anyway in order to prevent a break in relations. This constituted a violation of his instructions and he was later reprimanded by the Foreign Office for his indiscretion. In My Three Years in America, Bernstorff said that he had had to reply on his own initiative in these matters in order to prevent war.¹⁰⁴ The Ambassador delivered the following note to Secretary Lansing on October 5, which was subsequently published in the press:

Washington, October 5, 1915

My Dear Mr. Secretary: Prompted by the desire to reach a satisfactory agreement with regard to the Arabic incident, my Government has given me the following instructions:

The orders issued by His Majesty the Emperor to the commanders of the German submarines--of which I notified you on a previous occasion--have been made so stringent that the recurrence of incidents similar to the Arabic case is considered out of the question.

According to the report of Commander Schneider of the submarine that sunk the Arabic, and his affidavit as well as those of his men, Commander Schneider was convinced that the Arabic intended to ram the submarine. On the other hand, the Imperial Government does not doubt the good faith of the affidavits of the British officers of the Arabic, according to which the Arabic did not intend to ram the submarine. The attack of the submarine, therefore, was undertaken against the instructions issued to the commander. The Imperial Government regrets and disavows this act and has notified Commander Schneider accordingly.

Under these circumstances my Government is prepared to pay an indemnity for the American lives which, to its deep regret, have been lost on the Arabic. I am authorized to negotiate with you about the amount of this indemnity.

I remain [etc.]

J. v. Bernstorff.¹⁰⁵

The Wilson Administration accepted Ambassador Bernstorff's note as part of the final settlement in the Arabic case.¹⁰⁶ The German Foreign Office was most upset, because Bernstorff failed to inform the United States that Germany intended to reserve freedom of action on the submarine issue. The Ambassador's August 28 instructions had stipulated that the United States should make an effort to re-establish freedom of the seas; that is, to induce Britain to abandon her blockade policies. If the United States were successful in this regard, Germany would conduct submarine warfare in conformity with the Declaration of London. If freedom of the seas were not attained, Germany would reserve the right to engage in commercial submarine war.¹⁰⁷ The Foreign Office was in a difficult position, as Arthur Link points out, because it could not recall Bernstorff without repudiating his policies and causing a break in diplomatic relations, which Germany still wanted to avoid.¹⁰⁸ Consequently, Germany was forced to accept the settlement. The Foreign Secretary, Gottlieb von Jagow, sent Secretary Lansing a telegram on October 30 stating that the German government acknowledged the settlement of the Arabic case along the lines concluded by Ambassador Bernstorff; however, Germany agreed to pay an indemnity out of friendliness and not out of a recognition of liability for any considerations of international law.¹⁰⁹ Although the Foreign Office wished to follow the dual policy of avoiding a break in relations with the United States, while reserving the option of submarine warfare, it was forced to accept the fact that the former was incompatible with the latter in the fall of 1915. Ambassador Bernstorff told the Foreign

Office, in his report of November 1, 1915, that the Arabic pledge was unconditional, for if the pledge was revoked or violated, war would follow.¹¹⁰

NOTES TO CHAPTER IV

¹ Gibson and Prendergast, German Submarine War, p. 52.

² Link, Wilson: Struggle for Neutrality, p. 565. In n. 41, Link says that the Arabic's cargo for her last three voyages was published in the August 20, 1915 edition of the New York World. Birnbaum, in Peace Moves and U-Boat Warfare, p. 34, says that three Americans were killed. Link's version lists two American casualties. Cf. May, World War and American Isolation, p. 161; May's account gives two American deaths. See United States Foreign Relations Supplement 1915, pp. 517, 547-8, for details of the sinking.

³ Lansing Papers, I, pp. 467-8, Lansing to Wilson, August 20, 1915; Smith, Lansing and American Neutrality, p. 99; Link, Wilson: Struggle for Neutrality, p. 566.

⁴ Lansing Papers, I, p. 468, Wilson to Lansing, August 21, 1915; Smith, Lansing and American Neutrality, p. 99; Link, Wilson: Struggle for Neutrality, p. 566.

⁵ Ibid.

⁶ Ibid., p. 567.

⁷ W. W. to E. M. House, August 21, 1915, Baker Collection, as quoted in Link, Wilson: Struggle for Neutrality, p. 567.

⁸ Charles Seymour, The Intimate Papers of Colonel House (Boston and New York: Houghton Mifflin Co., 1926), II, p. 29; Link, Wilson: Struggle for Neutrality, p. 567.

⁹ Ibid., p. 567, n. 51; Seymour, Intimate Papers of Colonel House, II, p. 32. House observed that the President was willing to "go to great lengths to avoid war. He should have determined his policy when he wrote his notes of February, May, June and July. No citizen of the United States realizes better than I the horrors of this war, and no one would go further to avoid it; but there is a limit to all things, and, in the long run, I feel the nation would suffer more in being supine than in taking a decided stand." This note was written on August 22.

¹⁰ Ibid., pp. 30-1.

¹¹ Ibid.

- 12 May, World War and American Isolation, p. 161.
- 13 United States Foreign Relations Supplement 1915, pp. 524-5; also see Link, Wilson: Struggle for Neutrality, pp. 568-9.
- 14 Ibid., p. 569.
- 15 Lansing Papers, I, pp. 467-8; Link, Wilson: Struggle for Neutrality, pp. 568-9.
- 16 New York Times, 23 Aug. 1915, front page; also see Link, Wilson: Struggle for Neutrality, p. 569.
- 17 New York Times, 23 Aug. 1915, front page.
- 18 Smith, Lansing and American Neutrality, p. 100.
- 19 United States Foreign Relations Supplement 1915, p. 524, Bernstorff to the Secretary of State, Aug. 24, 1915; Bernstorff, My Three Years in America, p. 174; Smith, Lansing and American Neutrality, p. 100, 200, n. 84. As Smith notes most of the negotiations over the Arabic case took place in Washington, and Ambassador Gerard was not sufficiently informed of developments by the State Department. In a letter of Sept. 20, 1915, Gerard complained to Colonel House about the matter. Seymour, Intimate Papers of Colonel House, II, p. 42.
- 20 The William P. Frye was an American vessel which was sunk by a German armed cruiser, the Prinz Eitel Friedrich. The vessel was carrying cargo of wheat from Seattle to Queenstown when she was destroyed on Jan. 28, 1915. United States Foreign Relations Supplement 1915, p. 357.
- 21 Ibid., p. 525; Link, Wilson: Struggle for Neutrality, pp. 570, 578; Lansing Papers, I, pp. 469-70, Chandler P. Anderson to the Secretary of State, Aug. 23, 1915.
- 22 Ibid., p. 469.
- 23 Smith, Lansing and American Neutrality, p. 100; United States Foreign Relations Supplement 1915, pp. 504-5.
- 24 Ibid., p. 525.
- 25 Lansing Papers, pp. 471-3; Smith, Lansing and American Neutrality, p. 100; Link, Wilson: Struggle for Neutrality, p. 578.

26 Smith, Lansing and American Neutrality, p. 100.

27 Bernstorff, My Three Years in America, pp. 177-9; Smith, Lansing and American Neutrality, p. 100.

28 Ibid.

29 Lansing Papers, I, p. 473, Wilson to Lansing, Aug. 27, 1915; Link, Wilson: Struggle for Neutrality, pp. 578-9.

30 Lansing Papers, I, p. 473.

31 Link, Wilson: Struggle for Neutrality, p. 579. The telegram read as follows: "It appears that the concluding paragraph of the American Frye note of August 10 contains a suggestion which may prove valuable. I understand the suggestion to be that pending negotiations we should refrain from attacking passenger vessels without warning and providing for the safety of non-combatants, which would put the burden on England to refrain from illegal blockade pending negotiations. It does not, however, mean that we should give up the entire submarine war. General negotiations, however, will be impossible, I am informed, if the Arabic incident is not settled satisfactorily." The text of the telegram is contained in Link, p. 579, as quoted from German Foreign Office Archives, Ambassador Bernstorff to Foreign Office, Aug. 28, 1915.

32 Ibid.

33 May, World War and American Isolation, p. 218.

34 Link, Wilson: Struggle for Neutrality, p. 572. The message was sent Aug. 24, 1915.

35 United States Foreign Relations Supplement 1915, p. 526, Gerard to Secretary of State, Aug. 24, 1915; May, World War and American Isolation, p. 219; Link, Wilson: Struggle for Neutrality, p. 573.

36 May, World War and American Isolation, p. 219.

37 United States Foreign Relations Supplement 1915, p. 526, Gerard to the Secretary of State, Aug. 25, 1915.

38 Ibid., also Link, Wilson: Struggle for Neutrality, p. 573.

39 Birnbaum, Peace Moves and U-Boat Warfare, p. 34; Ritter, Sword and the Scepter, III, pp. 147-8; Link, Wilson: Struggle for Neutrality, pp. 571-2; Jarausch, Enigmatic Chancellor, p. 278; United States Foreign Relations Supplement 1915, pp. 526-7, Gerard to Secretary of State, Aug. 25, 1915; also see Görlitz, Kaiser and His Court, p. 102.

40 May, World War and American Isolation, p. 220.

41 Ibid.

42 Link, Wilson: Struggle for Neutrality, p. 574; Ritter, Sword and the Scepter, III, p. 148; Jarausch, Enigmatic Chancellor, p. 278.

43 Birnbaum, Peace Moves and U-Boat Warfare, p. 34; Link, Wilson: Struggle for Neutrality, p. 574; Ritter, Sword and the Scepter, III, p. 148; Tirpitz, My Memoirs, II, pp. 410-11.

44 Link, Wilson: Struggle for Neutrality, p. 575; see n. 76, General Falkenhayn to Admiral Bachmann, Sept. 2, 1915, from German Foreign Office Archives. Falkenhayn believed that the entry of the United States into war on the allied side would be disastrous for Germany, because other neutrals might enter the war against Germany as well. He believed that peace with the United States must be preserved at all costs, even if it meant stopping the submarine war. Falkenhayn did not believe that Germany had the power to defeat England. "Whether the submarine war harms England more or less is not important, for the last six months have proved that we do not have the power, either now or in the future, to bring England to her knees."

"If, therefore, the responsible leader of German policy makes demands regarding the conduct of the submarine war in order to maintain peace with the United States, then according to my conviction there is no other choice but to oblige him, unless one could prove that the assumption that the United States would go to war was wrong. However, Your Excellency has not yet proved this." Cf. Birnbaum, Peace Moves and U-Boat Warfare, p. 34; May, World War and American Isolation, p. 220; Ritter, Sword and the Scepter, III, p. 148; Jarausch, Enigmatic Chancellor, p. 279.

45 Ibid.; Link, Wilson: Struggle for Neutrality, pp. 575-6; May, World War and American Isolation, pp. 220-1; also see Ritter, Sword and the Scepter, III, pp. 147-48.

46 May, World War and American Isolation, p. 221. May's translation of Politische Dokumente, II, p. 407; Ritter, Sword and the Scepter, III, p. 148; Link, Wilson: Struggle for Neutrality, p. 576.

47 Ritter, Sword and the Scepter, III, p. 148.

48 Bernstorff, My Three Years in America, p. 173.

49 Birnbaum, Peace Moves and U-Boat Warfare, p. 34; May, World War and American Isolation, p. 221; Link, Wilson: Struggle for Neutrality, pp. 576-7; Tirpitz, My Memoirs, II, p. 412.

50 Birnbaum, Peace Moves and U-Boat Warfare, pp. 34-5; Link, Wilson: Struggle for Neutrality, pp. 580-1. The text of the instructions are contained in Link's account as quoted from the German Foreign Office Archives, Secretary von Jagow to Ambassador von Bernstorff, August 28, 1915. The instructions are as follows: "I empower you to negotiate confidentially with Wilson or Lansing on the following basis:

"1. American demands for an indemnity for Lusitania and perhaps also Arabic incident will be decided by Hague arbitration. Exclusively for personal information: In the arbitration agreement it will later have to be made clear that the judgment shall not include allowance or disallowance of the German submarine campaign.

"2. Passenger liners will be sunk only after warning and the saving of human life, provided they do not flee or offer resistance; upon rejection of the term 'liner,' you will limit yourself to using, at the most, the expression 'passenger ship.' Should England, because of knowledge of this concession, abuse it, we reserve the right to have further talks with America. If you are asked to explain the word 'abuse,' then you could say that we would consider it an abuse if England tried to protect her freighters with single American passengers. Exclusively for your personal information: Assurances about enemy freighters cannot be given.

"3. We expect efforts from the American side to re-establish the freedom of the seas, perhaps on the basis of the Declaration of London, and will be gladly willing to cooperate. If success ensues, we will conduct the submarine war only in accord with the Declaration of London. Otherwise, we reserve the right of decision.

"After agreement on the above basis, I will answer the last Lusitania note, using your proposals. Wire notice of receipt."

51 May, World War and American Isolation, p. 222.

52 Ibid., pp. 222-3; Ritter, Sword and the Scepter, III, p. 149; Jarausch, Enigmatic Chancellor, p. 279; Grlitz, Kaiser and His Court, p. 103; Tirpitz, My Memoirs, II, pp. 412-13.

53 Birnbaum, Peace Moves and U-Boat Warfare, p. 35, n. 5. Birnbaum says that Tirpitz had no direct influence on naval operations in his capacity as Naval Secretary, but that he had been granted the right to give his opinion in all matters concerning naval warfare because of his unique position in the navy. This right was rescinded on August 30, 1915 by order of the Imperial Na-

val Cabinet, but was later modified by a new Cabinet order on Sept. 19, 1915, whereby the Kaiser stated that he intended to ask for Tirpitz' advice, in the near future, in all important questions regarding naval policy. May, World War and American Isolation, p. 223; Tirpitz, My Memoirs, II, pp. 412-13; also see Link, Wilson: Struggle for Neutrality, pp. 581-82; Jarausch, Enigmatic Chancellor, p. 279.

54 G8rlitz, Kaiser and His Court, p. 103.

55 Birnbaum, Peace Moves and U-Boat Warfare, p. 35; May, World War and American Isolation, p. 222. May reports that Holtzendorff was a distant relative of Muller's. Also see Tirpitz, My Memoirs, II, p. 413; Jarausch, Enigmatic Chancellor, p. 279.

56 Ritter, Sword and the Scepter, III, p. 149; also see G8rlitz, Kaiser and His Court, p. 105, Sept. 9, 1915.

57 Birnbaum, Peace Moves and U-Boat Warfare, p. 35; Ritter, Sword and the Scepter, III, p. 149; Jarausch, Enigmatic Chancellor, p. 279; Tirpitz, My Memoirs, II, p. 416.

58 Birnbaum, Peace Moves and U-Boat Warfare, p. 36.

59 Ambassador Bernstorff to the Foreign Office, Aug. 31, 1915, German Foreign Office Archives, as quoted in Link, Wilson: Struggle for Neutrality, p. 582.

60 Ibid.

61 Ibid.; see n. 98. Gerard was upset because he was denied access to Supreme Headquarters, while minor American newsmen enjoyed that privilege.

62 The Foreign Secretary to Ambassador Bernstorff, Sept. 1, 1915, German Foreign Office Archives, as quoted in Link, Wilson: Struggle for Neutrality, p. 583.

63 Bernstorff, My Three Years in America, pp. 174-81; Bernstorff, Memoirs, pp. 144-5; also see Birnbaum, Peace Moves and U-Boat Warfare, p. 36; Link, Wilson: Struggle for Neutrality, p. 583.

64 Bernstorff, My Three Years in America, pp. 176-8, 189-90; Birnbaum, Peace Moves and U-Boat Warfare, p. 36.

65 Seymour, Intimate Papers of Colonel House, II, p. 39, House to the President, Sept. 17, 1915.

66 Birnbaum, Peace Moves and U-Boat Warfare, pp. 36-7; also see May, World War and American Isolation, pp. 223-5.

67 Birnbaum, Peace Moves and U-Boat Warfare, p. 37; also see May, World War and American Isolation, p. 225.

68 Link, Wilson: Struggle for Neutrality, p. 583.

69 Ibid., pp. 583-4; Bernstorff, My Three Years in America, p. 177; Bernstorff, Memoirs, p. 145; United States Foreign Relations Supplement 1915, pp. 530-1, the German Ambassador (Bernstorff) to the Secretary of State, Washington, Sept. 1, 1915; Smith, Lansing and American Neutrality, p. 101; Birnbaum, Peace Moves and U-Boat Warfare, p. 36; Ritter, Sword and the Scepter, III, p. 150.

70 New York Times, 2 Sept. 1915, front page; Link, Wilson: Struggle for Neutrality, pp. 584-5.

71 Bernstorff, My Three Years in America, pp. 179-81; Birnbaum, Peace Moves and U-Boat Warfare, p. 36.

72 Link, Wilson: Struggle for Neutrality, pp. 652-3. In n. 33, Link says that, according to the German historian Arno Spindler, the Hesperian was attacked without warning by Commander Walter Schwieger of the U-20. Schwieger thought that the Hesperian was an auxiliary cruiser. See United States Foreign Relations Supplement 1915, pp. 533-5; Smith, Lansing and American Neutrality, p. 101.

73 United States Foreign Relations Supplement 1915, p. 537; Link, Wilson: Struggle for Neutrality, p. 652; Smith, Lansing and American Neutrality, p. 101.

74 Link, Wilson: Struggle for Neutrality, p. 653.

75 Lansing Papers, I, p. 476, the German Ambassador (Bernstorff) to the Secretary of State, Sept. 8, 1915.

76 United States Foreign Relations Supplement 1915, pp. 548-9, 556; Link, Wilson: Struggle for Neutrality, p. 653.

77 Ibid.; United States Foreign Relations Supplement 1915, p. 607, Secretary of State to the Ambassador of Great Britain (Page), Washington, Nov. 1, 1915. A metal fragment was found in the Hesperian which the United States Naval Department identified as a "joint ring and shell of a torpedo." Germany refused to supply any information about the Hesperian; the Foreign Office said it was probably hit by a mine. Ibid., p. 545, Gerard to the Secretary of State, Sept. 10, 1915.

78 Link, Wilson: Struggle for Neutrality, pp. 653-4; also see Lansing Papers, I, p. 475.

79 Link, Wilson: Struggle for Neutrality, p. 655.

80 Ibid. Link says that Schneider's log, as reproduced in Spindler, La Guerre Sous-Marine, II, p. 335, does not agree with the account he gave on Sept. 2. According to the U-24's log, the submarine had just sunk the Dunsley by cannon fire when the Arabic came into view. The U-24 submerged and torpedoed the Arabic without warning. Link speculates that Schneider may have been persuaded by his superiors modify his report because of the tense political situation.

Although the Wilson Administration tended to disregard the explanation, on a number of occasions, that submarine commanders feared being rammed, this was a very real problem. One of the more spectacular cases occurred on August 19, 1915, the same day the Arabic was destroyed. Commander Wegener of the U-27 stopped the British steamer Nicosian in the Irish Sea and ordered her to evacuate ship. While this was taking place, the British Q-ship, the Baralong, which was disguised as a tramp steamer flying the American flag, came within 100 yards of the Nicosian; then she hoisted the British flag and began to attack the U-27. When the German crew men took to the water, the Baralong opened fire on them, killing as many as possible. Link, Wilson: Struggle for Neutrality, p. 669, n. 72; United States Foreign Relations Supplement 1915, pp. 527-9; Görlitz, Kaiser and His Court, p. 104, n. 82. The Wilson Administration was shocked over the incident and protested the misuse of the American flag by the British. Lansing Papers, I, p. 39; United States Foreign Relations Supplement 1915, pp. 576-77, 604-6; Link, Wilson: Struggle for Neutrality, p. 669, n. 72. The protest, however, went unheeded. Smith, Lansing and American Neutrality, p. 205, n. 53. The incident caused quite a stir in Germany, as Ernest May reports, with many persons demanding reprisals. May, World War and American Isolation, pp. 232-4, 236; also see "Memorandum in Regard to the Destruction of a German Submarine and Its Crew by the British Auxiliary Cruiser Baralong, and reply; text," American Journal of International Law, Supplement 10 (April 1916), pp. 79-86.

81 United States Foreign Relations Supplement 1915, p. 539, Ambassador in Germany (Gerard) to the Secretary of State, Sept. 7, 1915; Link, Wilson: Struggle for Neutrality, p. 656.

82 Ibid.

83 Smith, Lansing and American Neutrality, p. 102; Link, Wilson: Struggle for Neutrality, pp. 645-52, 657.

84 United States Foreign Relations Supplement 1915, p. 543, Ambassador in Germany (Gerard) to the Secretary of State, Sept. 9, 1915; Link, Wilson: Struggle for Neutrality, pp. 657-8.

85 Lansing Papers, I, p. 478-80, Secretary of State to President Wilson, Sept. 11, 1915; Link, Wilson: Struggle for Neutrality, p. 658.

86 Ibid., pp. 658-60; Seymour, Intimate Papers of Colonel House, II, p. 40.

87 Lansing Papers, I, pp. 480-1, Secretary of State to Wilson, Sept. 13, 1915; Link, Wilson: Struggle for Neutrality, p. 660; Smith, Lansing and American Neutrality, p. 103.

88 Bernstorff, My Three Years in America, pp. 182-4; Link, Wilson: Struggle for Neutrality, p. 661.

89 Ibid., p. 662; The New York Times, 15 Sept. 1915, front page and p. 2.

90 Link, Wilson: Struggle for Neutrality, pp. 662-4.

91 Ibid., pp. 644-65.

92 Ibid., p. 666.

93 United States Foreign Relations Supplement 1915, pp. 551-2, Ambassador in Germany (Gerard) to the Secretary of State, Sept. 20, 1915; Link, Wilson: Struggle for Neutrality, p. 667.

94 Ibid.

95 Lansing Papers, I, p. 482, Colonel E. M. House to President Wilson, New York, Sept. 26, 1915; Link, Wilson: Struggle for Neutrality, p. 672.

96 Ibid.

97 Lansing Papers, I, p. 483, German Ambassador Bernstorff to the Secretary of State, Oct. 2, 1915; Bernstorff, My Three Years in America, p. 187; Link, Wilson: Struggle for Neutrality, p. 673.

98 Lansing Papers, I, pp. 484-5.

- 99 Link, Wilson: Struggle for Neutrality, p. 673.
- 100 Ibid., p. 674.
- 101 Lansing Papers, I, p. 486, Secretary of State to Colonel House, Oct. 6, 1915; Link, Wilson: Struggle for Neutrality, p. 674.
- 102 Ibid.; New York Times, 4 Oct. 1915, front page.
- 103 Lansing Papers, I, pp. 485-6, Memorandum by the Secretary of an Interview with the German Ambassador (Bernstorff), Oct. 5, 1915, 10 a. m.; Link, Wilson: Struggle for Neutrality, p. 675.
- 104 Bernstorff, My Three Years in America, pp. 188-9; Birnbaum, Peace Moves and U-Boat Warfare, pp. 36-7; Link, Wilson: Struggle for Neutrality, pp. 676-81. Also see Charles Seymour, "The House-Bernstorff Conversations in Perspective," Studies in Diplomatic History in Honour of G. P. Gooch, ed. A. O. Sarkissian (New York: Barnes & Noble, 1962), p. 97.
- 105 United States Foreign Relations Supplement 1915, p. 560, German Ambassador (Bernstorff) to the Secretary of State, Oct. 5, 1915; Bernstorff, My Three Years in America, p. 188; Link, Wilson: Struggle for Neutrality, p. 676.
- 106 Lansing Papers, I, p. 480, Secretary of State to Colonel House, Oct. 6, 1915; Bernstorff, My Three Years in America, p. 188; Link, Wilson: Struggle for Neutrality, p. 677; Smith, Lansing and American Neutrality, p. 103.
- 107 Link, Wilson: Struggle for Neutrality, pp. 580-1, 679-80; Birnbaum, Peace Moves and U-Boat Warfare, pp. 37-8.
- 108 Link, Wilson: Struggle for Neutrality, p. 680.
- 109 United States Foreign Relations Supplement 1915, pp. 603-4, Ambassador in Germany (Gerard) to the Secretary of State, Oct. 30, 1915; Link, Wilson: Struggle for Neutrality, pp. 680-1.
- 110 Bernstorff, My Three Years in America, pp. 194-5; Birnbaum, Peace Moves and U-Boat Warfare, p. 38.

CHAPTER V

THE ANCONA, THE PERSIA, AND ARMED SHIPS

The period from November, 1915, to March, 1916, was one of the most complex periods for American foreign policy. American policies were definitely pro-Entente by this time and were also designed to pressure the Central Powers into modifying the submarine campaign. During November, 1915, the United States re-opened the Lusitania negotiations which had been suspended since August because of the Arabic crisis. And the United States began negotiations with Austria over the Ancona affair. In January, 1916, Secretary of State Lansing and Colonel House became involved in two different attempts to resolve the problems between the United States and the belligerents. The sinking of the British armed passenger liner, the Persia, on December 30, 1915, re-introduced the problem of armed ships. Congress subsequently began discussions of this issue and Secretary Lansing decided to issue a modus vivendi on the subject. The modus vivendi constituted a reversal of American policy regarding armed ships, because it stipulated that armed merchantmen be classified as war vessels. Lansing thought that, if merchantmen stopped carrying arms, submarines would be able to observe cruiser rules of warfare, thus eliminating British and German complaints about these respective war measures. The modus vivendi was, however, meant to favor the Entente Powers, for Lansing advocated that the proposal be submitted to the Entente Powers first and, if they rejected it, to drop it.

During this same period, Colonel Edward M. House, the President's unofficial adviser, was engaged in negotiations with British Foreign Secretary Sir Edward Grey in order to bring about a peace conference. The House-Grey Memorandum resulted from these negotiations and was also meant to be advantageous to the Entente Powers. According to the memo, the United States would propose that a peace conference be convened at a time when it was convenient for the Entente Powers. If Britain and France accepted the offer and Germany refused, the United States might enter the war against Germany.

American policies during this period were even more complex because of the various positions of President Wilson, Colonel House and Secretary Lansing. President Wilson approved each of these policies: the pressuring of Germany and Austria over submarine incidents to the point of threatening to sever relations; the House-Grey Memorandum; and the modus vivendi. Secretary Lansing conducted negotiations with Austria-Hungary over the Ancona affair and with Germany over the Lusitania incident; and he drafted the modus vivendi. He advocated that both Central Powers repudiate these submarine incidents, offer indemnities and issue guarantees for the future conduct of the submarine campaign in accordance with international law. Colonel House was in Europe during late December, 1915, until February, 1916, negotiating with European leaders on the possibility of a peace conference. Although President Wilson approved these various policies, Secretary Lansing and Colonel House advocated only those policies they participated in. Secretary Lansing felt that efforts to bring about a negotiated peace in Europe was "a useless

waste of energy."¹ Colonel House felt that the Lusitania case was too old to re-open and pressure Germany for a disavowal of the incident, particularly after Germany had issued the Arabic pledge. And he opposed disarming merchantmen.² House feared that the modus vivendi might jeopardize the peace negotiations.³

I. THE ANCONA

The relations between the United States and Germany were strained during the fall and winter of 1915, because of German submarine policies and because of the espionage plots of the German naval and military attachés, Captain Karl Boy-Ed and Captain Franz von Papen. The United States was in the process of demanding that Germany recall these individuals,⁴ when the submarine issue, which was presumably settled by the Arabic pledge, re-emerged. The United States received the news, on November 10, that the 8,000-ton Italian passenger liner, the Ancona, had been destroyed in the Sicilian Channel by a submarine flying the Austrian flag. The Ancona was carrying 496 passengers and cargo on her voyage from Naples to New York; there were about a dozen Americans on board.⁵ Because of the panic, which ensued on board the Ancona as a result of the submarine attack, it was never determined how many persons perished. Nine Americans died in the disaster.⁶

The Ancona affair was a unique occurrence in the submarine controversy between the United States and Germany because of the circumstances surrounding the destruction of the Italian passenger liner. Although the submarine which sank the Ancona flew the Austrian flag, she was not Austrian. The submarine was German, the U-38, and her

commander, Lieutenant Max Valentiner, was a German officer who became Germany's third-ranking submarine "ace."⁷ Since Austria agreed to take the responsibility for the vessel's destruction, the United States was never in possession of all of the facts of the Ancona affair.⁸ Lieutenant Valentiner had given the Ancona warning, by means of a cannon shot across her path, that the U-boat intended to approach the vessel. Captain Pietro Massardo of the Ancona responded by ordering a full speed zig zag course in an effort to escape. The U-boat gave chase, firing three shots into the vessel. Then the Ancona stopped and the U-38 signaled her to evacuate the ship. When Captain Massardo attempted to comply, panic broke out and only a few people ever left the ship. Many people were so paralyzed with fear that they refused to leave the passenger liner. Commander Valentiner was faced with a dilemma, for his orders specified that all persons must be allowed to leave the vessel before he could destroy it. But what if they refused? Could he allow the vessel to escape? Valentiner decided to fire another shell into the Ancona in hopes that this would encourage the passengers to abandon ship. This, however, only served to increase their terror. Another vessel started to approach and the U-38 fired a torpedo into the sinking Ancona and fled, leaving the terrorized passengers to drown with the sinking ship.⁹

Although the reports of the surviving passengers and crew members were confused and contradictory, a number of survivors insisted that the attacking submarine was German.¹⁰ The American Ambassador to Austria-Hungary, Frederick Penfield, reported that the submarine which destroyed the Ancona was thought to be "German built

but technically now Austrian." Cattaro, a port on the Adriatic Sea, was believed to be the operating base.¹¹ The incident was given full coverage in the press which blamed Germany for the disaster.¹²

The account given in the New York Times said that the Ancona had been attacked without warning by a submarine flying the Austrian flag and that the passengers and crew members were not given an opportunity to escape.¹³ The New York Times denounced the attack on November 12 in an editorial. "The act can be explained only as one perpetuated by savage cruelty for the joy of slaughter, for the lust of killing, because of an unquenchable thirst for blood."¹⁴ The editorial went on to speculate that the submarine that attacked the Ancona was probably German, but cautioned that judgment must be suspended until all the facts were known. Germany defended the Ancona affair in the New York Times on the following day. The Ancona was attacked, Germany asserted, because she attempted to escape. The attacking submarine was not German, however; it belonged to Austria.¹⁵

The reason for the deception on Germany's part in the Ancona affair was that Italy was at war with Austria in 1915, whereas she was at peace with Germany.¹⁶ In other words, Lieutenant Max Valentiner had committed an act of war against a country which was at peace with Germany when he destroyed the Italian passenger liner. The U-38 had flown the Austrian flag to obscure that fact. Since Germany had issued the Arabic pledge for the war zone around the British Isles, the submarine campaign was apparently transferred to the Mediterranean Sea.¹⁷ According to Gerald H. Davis, in "The 'Ancona' Affair: A Case of Preventive Diplomacy," the German Admiralty had ordered submarines

operating in the Mediterranean to use the Austrian flag when attacking Italian shipping, but had neglected to inform the Austrian authorities.¹⁸ Davis says that German submarines had been attacking Italian shipping in the Mediterranean since early 1915.¹⁹ Clearly German submarines were using the Austrian flag as a ruse de guerre. International law allows a warship to use a false flag only when pursuing an enemy or drawing an enemy into battle or when attempting to escape attack; however, a warship must fly her true colors when initiating an attack.²⁰ Since the U-38 never indicated her true colors when initiating her attack on the Ancona, that attack was illegal and can be considered a case of perfidy. Arthur Link, in Wilson: Confusions and Crises, says that the German Admiralty had stationed a flotilla of submarines at the Austro-Hungarian naval base at Pola on the Adriatic Sea. These submarines were operating under cruiser rules of warfare for all vessels except armed merchantmen and passenger vessels; even armed passenger liners were to be spared.²¹ Since Germany was not about to reveal the extent of her submarine operations in the Mediterranean, Austria took the responsibility for the Ancona affair, and the facts of the case were not known until after the war, when historians were allowed to examine German documents. Thus one of the most potentially explosive German submarine incidents of the entire war was averted, and a confrontation with the United States over the submarine issue was postponed until March, 1916, when the Sussex was torpedoed by a German submarine.²²

The effect of the Ancona affair was to renew the issue of submarine warfare in the United States. Secretary of State Robert

Lansing chose this time to reopen the Lusitania negotiations, much to the consternation of the German Ambassador, Count Johann von Bernstorff.²³ President Woodrow Wilson's personal adviser, Colonel House, counseled that the United States ought to break diplomatic relations with Austria-Hungary because of the Ancona incident.²⁴ The President refused to consider it.²⁵

Although Secretary Lansing and most other Americans firmly believed that the submarine which attacked the Ancona was German, the Ancona negotiations were conducted with Austria. Italian naval experts reported that the submarine was of German construction and was manned by Germans; they felt that the Austrian flag was used as a ruse. Lansing believed these reports to be accurate and, furthermore, he felt that the savage conduct of the submarine commander was conclusive evidence that the attack was committed by Germans.²⁶ Nevertheless, Austria took the responsibility for the Ancona affair, and because the available evidence left no other recourse, Robert Lansing began talks with the ranking Austro-Hungarian representative, *Chargé d'Affaires*, Baron Erich Zwiedinek. Baron Zwiedinek had only assumed his post since the departure of the Austrian Ambassador, Dr. Constantin Dumba. And the Ancona negotiations had to be conducted from Vienna.²⁷

The United States realized that the Austrian government was not bound by the Arabic pledge issued by Germany;²⁸ however, the American government felt that Austria ought to recognize those principles of international law which had been the subject of the German-American negotiations over the submarine issue. In the negotiations

with Austria, the Wilson Administration demanded that the Ancona affair be repudiated and that the Austrian government recognize those principles of international law which governed naval warfare. Wilson and Lansing hoped that this would prevent Germany from using the Austrian flag in submarine operations.²⁹ On December 3, Lansing sent President Wilson a copy of the instructions he proposed to send to the American Ambassador in Austria-Hungary, Frederick C. Penfield. "The essential fact," Lansing noted, "that the vessel was shelled and torpedoed while persons were still on board—one of whom, at least, is an American—is amply proven."³⁰ The President returned the note two days later with the comment: "This is a peremptory note, but I see no other course open to us."³¹ This harsh, curt statement of American policy was dispatched to Vienna on December 6. The note said that Austria ought to know what American policy on the submarine issue was, because Austria was undoubtedly aware of the German-American correspondence over Germany's methods of submarine warfare. The commander of the submarine violated the principle of international law and of humanity when he failed to allow the passengers and crew to evacuate the ship to a place of safety before destroying the ship. The United States argued that this right was absolute, that the ship had to be evacuated before it could be destroyed, whether it involved placing the passengers and crew in a place of safety, or allowing them to leave of their own accord. The note continued:

The conduct of the commander can only be characterized as wanton slaughter of defenseless non-combatants since at the time when the vessel was shelled and torpedoed she was not, it appears, resisting or attempting to escape, and no other reason is sufficient to excuse such an attack, not even the possibility of rescue.

The United States was forced to conclude that either the commander had violated his instructions or that the Austrian government had not issued instructions in accord with principles of international law and of humanity.

As the good relations of the two countries must rest upon a common regard for law and humanity, the Government of the United States can not be expected to do otherwise than to demand that the Imperial and Royal Government denounce the sinking of the Ancona as an illegal and indefensible act; that the officer who perpetuated the deed be punished; and that reparation by the payment of an indemnity be made for the citizens of the United States who were killed or injured by the attack on the vessel.³²

The United States concluded the note by demanding that the case be settled "promptly."

Secretary Lansing handed Baron Zwiedinek a copy of the note on December 11, reassuring him that the note was not intended to offend Austria-Hungary. The Secretary said that he had great respect for the bravery and chivalrous spirit of the Austro-Hungarian army and navy. He continued saying that he and other members of the administration "would be painfully surprised if Austria-Hungary would defend an action contrary to her proud tradition and against the laws of humanity which America absolutely determined to defend..."³³ The Secretary reported that Baron Zwiedinek seemed extremely nervous and excited.³⁴ The German Ambassador, Count Bernstorff, observed that he could be of little service to his loyal colleague, Baron Zwiedinek, in his predicament. Bernstorff counseled the Baron to advise Vienna that, if American demands were not met in the Ancona affair, the United States would probably sever diplomatic relations.³⁵

The Austro-Hungarian reply of December 15, which was signed by the Foreign Minister, Baron Stephan Burián, was brusque and evasive. The Foreign Minister felt that the scathing indictment issued by the United States lacked a sufficient statement of the facts of the Ancona case and requested a clearer statement of the issues of international law involved in the case. The Austro-Hungarian government requested the names and a description of the fate of the Americans who had travelled on board the Ancona. The note asserted that the Austro-Hungarian government had no knowledge of the German-American correspondence on the submarine issue. Austria-Hungary intended to conduct her own foreign policy on the Ancona affair.³⁶

Secretary of State Lansing considered the note "a special pleading consisting of technicalities and quibbles." Lansing recommended sending Austria-Hungary "a short firm note" which should avoid a discussion of the facts and technicalities. He suggested that the entire American case be based on the admission of the Austro-Hungarian Admiralty that the vessel was standing still, and that people were still on board, when she was torpedoed.³⁷ Robert Lansing then drafted a sharp reply which stated that the details of the case were not necessary to establish the guilt of the submarine commander. The fact was that American citizens "were killed, injured, or put in jeopardy by the commander's lawless act." The note continued saying that the United States was committed to the principles of international law and of humanity, and that the Austro-Hungarian government must be held accountable "for the admitted conduct of the commander of the submarine." Therefore the United States insisted that Austria-Hungary com-

ply with the demands of the December 6 note.³⁸ The President revised Lansing's draft on December 18, the day of his marriage to Mrs. Edith Bolling Galt, and left for his honeymoon in Hot Springs, Virginia. Thus the burden of the Ancona negotiations devolved on Secretary Lansing.³⁹ The American note, which was dispatched on December 19, 1915, was substantially the same as Lansing's draft; Wilson had merely changed the phrasing to soften its impact.⁴⁰ Nevertheless, Lansing observed that the note was "practically an ultimatum."⁴¹

In conversations with Secretary of State Lansing, Baron Zwiedinek suggested that the Ancona affair be resolved in the same fashion as the disputes over submarine warfare with Germany. He suggested that Austria issue a guarantee, similar to the pledge issued by Germany, that passenger vessels be given warning and be allowed to evacuate passengers and crew before the vessels could be destroyed. In addition, the Chargé d'Affaires proposed that the Ancona case remain open for further negotiation. This, of course, had been the manner in which the Lusitania case had been resolved. The Secretary of State rejected these proposals.⁴² Lansing continued to insist that Austria accede to all of the American demands. When he informed the Austro-Hungarian Chargé of this fact on December 18, the Baron said that he regretted this because he felt that there was some merit in the argument that the Ancona lost her immunity when she attempted to flee. Lansing replied that nothing would be accomplished by a discussion as to what constituted humane treatment, when they differed so on the issue of belligerent obligation. The Secretary

observed that Baron Zwiedinek was in a highly emotional state when he left.⁴³ Lansing noted in his War Memoirs that Baron Zwiedinek was aware that the American note of December 19 constituted an ultimatum. In a conversation with Lansing on December 21, the Chargé said that he realized that the United States could not modify their demands. The main objection of the Austrian government, the Baron continued, was to the American demand that the submarine commander be punished. This would not be possible, Zwiedinek said, if he were following instructions. The Secretary replied that, if the submarine commander had obeyed orders, Austria was guilty of violating the law. "Either the commander is guilty, or your government is guilty," said Lansing. He insisted that Austria repudiate the Ancona affair and offer an indemnity.⁴⁴

The President followed the progress of the negotiations from Hot Springs, Virginia, with the growing conviction that the Secretary was pressing too hard for the fulfillment of American demands. When Ambassador Penfield wired on December 23 that the Austrian government was anxious to avoid a break in diplomatic relations and would probably offer to submit the Ancona case for arbitration, Lansing opposed this measure.⁴⁵ President Wilson did not wish to be drawn into lengthy negotiations over the Ancona, but he felt that the United States could not very well refuse to accept arbitration. "To do so," he wrote Lansing, "would be contrary to all our traditions and would place us in a very difficult position to justify [our policy] in the opinion of the rest of the world, do you not think so?"⁴⁶ Lansing felt that, if the Ancona case were submitted for arbitration, Ger-

many would demand that the Lusitania and all other cases precipitated by submarine warfare be settled by arbitration as well. Public opinion would be outraged, he thought, if the German submarine cases were arbitrated, although the American people probably would not mind if the Ancona case were settled in this manner. The Secretary felt that the United States ought to be consistent, in this regard, and refuse to arbitrate all cases involving submarine warfare, whether they were caused by Austrian or German submarines.⁴⁷ Lansing's letter of December 28 was most disturbing for President Wilson, because it said that Lansing thought that the United States might have to break relations with Austria over the Ancona affair and that this would probably mean war. In order to avoid the displeasure of Congress, the Secretary advised that the facts of the case be presented to Congress in order to obtain its approval before breaking diplomatic relations with Austria-Hungary.⁴⁸ Wilson's reply of December 29 indicated that he was not convinced that diplomatic relations should be severed.

What new elements in the case make you feel now, what, I remember, you did not feel at the outset of this matter, that a breach of diplomatic relations would probably, rather than possibly, mean war? I do not recall any new influences that have recently come into the field, and I would very much like to know what has made this impression on your mind.

You may of course be right. All along there has been reason to fear that such might be the outcome. And I quite agree with you that we ought to think our course out very frankly and carefully, blinking nothing.

I do not think that it would be wise in any case to lay the matter publicly before Congress. The most that I could do would be to consult with the leaders on the hill. To lay the matter publicly before Congress would in effect be to announce that we expected war and might be the means of hastening it.

There are some wise and experienced men on the Senate Committee on Foreign Relations and it is quite possible that we

might get useful guidance from them. For myself I do not doubt the constitutional powers of the Executive in this connection; but power is a different matter from wise policy.

Your answer to some of the questions I raised or suggested in my last brief note to you on the news from Vienna will necessarily form a part and a very fundamental part of our discussion of the whole situation. If the Imperial and Royal Government thinks that it can put a very different face upon the Ancona case by representations which it thinks us bound in fairness to it to consider, how can we refuse to discuss the matter with them until all the world is convinced that rock bottom has been reached?⁴⁹

There were many indications that the Secretary of State had misread public opinion and congressional sentiment on the Ancona affair. The Chairman of the Senate Committee on Foreign Relations, Senator William J. Stone of Missouri, informed Secretary Lansing on December 21 that the Administration was dealing too harshly with the Central Powers and not severely enough with Great Britain. Lansing defended Administration policies by saying that the loss of life required more drastic measures than the loss of property. Senator Stone insisted that both cases involved rights. Lansing felt that although Senator Stone would not oppose Administration policies, he would not give them his full support.⁵⁰ Daniel Smith, in Robert Lansing and American Neutrality, concludes that the Stone interview had shaken Secretary Lansing's faith in the martial spirit of Congress. Lansing thought that a large segment of Congress would now oppose severing diplomatic relations with Austria, because this might lead to war. This conviction caused Lansing to advise the President, Professor Smith continues, to submit the proposal to break diplomatic relations with Austria to Congress for its approval. The President rejected Lansing's advice.⁵¹

The New York Times reported on December 30, 1915, that Democratic leaders in Congress felt that the first Ancona note to Austria-Hungary had been too harsh and that the Vienna government would not be able to satisfy American demands without humiliation. The senators were also critical of the Wilson Administration's lack of interest in arbitration. President Wilson, the article stated, was known to oppose arbitration of the Ancona case because of the resultant loss of life. The article implied that President Wilson had reassured Senator Stone that he and other members of the Senate Foreign Relations Committee would be consulted prior to severing diplomatic relations with Austria. The congressional leaders felt that they should be consulted before this measure was enacted.⁵² Arthur Link speculates that Senator Stone might have telephoned the President on December 29 and that this might have influenced President Wilson's letter to Lansing which was written on that day.⁵³

In any event, Austria-Hungary saved the situation by capitulating. The Austro-Hungarian note of December 29, 1915 satisfied all of the American demands. The note gave this guarantee:

hostile private ships, in so far as they do not flee or offer resistance, may not be destroyed without the persons on board having been placed in safety, the Imperial and Royal Government is able substantially to assent to this view of the Washington Cabinet.

A detailed description of the sinking of the Ancona was included; it was followed by the conclusion that the submarine commander had violated his instructions and that, therefore, he had been punished. In addition, the Austro-Hungarian government agreed to pay indemnity.

ties to the survivors of those American citizens who had perished on the Ancona.⁵⁴

II. THE PERSIA

This was the end of the Ancona affair for the United States, but the case continued to be the subject of negotiations between Germany and Austria-Hungary. Once Austria-Hungary had agreed to accept the responsibility for the Ancona, Germany pressured her to accede to all of the American demands. After lengthy negotiations, the list of the crew of the U-38 was transferred from German naval lists to Austro-Hungarian naval lists; the change was made on December 28, retroactive to October 31. This was done to conceal the evidence and protect the guilty.⁵⁵ The Austrian government promised the United States on December 29 that the guilty submarine commander had been punished. How was this accomplished? Well, on December 11, 1915, Lieutenant Max Valentiner, of the U-38, the vessel which destroyed the Ancona, received the Austro-Hungarian Order of the Iron Crown, Third Class, with war embellishments. Lieutenant Valentiner was never deprived of these decorations, nor was he ever punished. Indeed he resumed his career and was on active duty in the Mediterranean from December 9 to January 1. On December 30, he torpedoed the British Peninsular and Oriental passenger liner, the Persia, without warning off the island of Crete.⁵⁶ The Persia, which was en route to Alexandria, was carrying a 4.7-inch gun. Two Americans were on board the Persia.⁵⁷ The American Consul in Alexandria reported that one American, Charles H. Grant, Manager of the Vacuum Oil Company in Calcutta, was safe in Alexandria. Robert Ney McNeely, the American Consul to Aden, who was

travelling to his post in Aden, perished. The Persia was carrying 400 passengers and 150 crew members, and, of these, 150 persons were saved.⁵⁸

After reading the report of Arthur Garrels, the Consul in Alexandria, on the Persia, President Wilson wired Secretary Lansing asking whether or not he should return to Washington as soon as possible. The President instructed Lansing to send a message to Ambassador Frederick Penfield in Vienna asking him to make inquiries at the Foreign Office about the Persia.⁵⁹ Lansing replied the next day that he was "very much alarmed" over the situation and said that he feared the effect of popular agitation on Congress. The President and his new bride hastened back to Washington on the following day.⁶⁰

The President's secretary, Joseph Tumulty, met with him when he arrived at the White House. Tumulty sought to inform him about the mood of the country in the wake of the Persia incident. Also, he warned the President that Senator Stone might "induce him to make some admission with reference to his attitude which might embarrass the President in the future."⁶¹ Secretary Tumulty advocated that action be taken because of the Persia incident. President Wilson was not impressed by this idea and responded by saying that the United States should not take action against any government without knowing what the facts were. Tumulty continued his assessment of popular opinion by informing the President that the feeling was "that there was a lack of leadership." Wilson bridled and proceeded to defend himself:

"Tumulty, you may as well understand my position right now. If my reelection as President depends upon my getting into war, I

don't want to be President. I have been away, and I have had lots of time to think about this war and the effect of our country getting into it, and I have made up my mind that I am more interested in the opinion that the country will have of me ten years from now than the opinion it may be willing to express to-day. Of course, I understand that the country wants action, and I intend to stand by the record I have made in all these cases, and take whatever action may be necessary, but I will not be rushed into war, no matter if every last Congressman and Senator stands up on his hind legs and proclaims me a coward."⁶²

A heated discussion took place in the Senate on January 5 over Administration policies; however, most of the criticism from the Senate was levelled at the policy of allowing Americans to travel on belligerent vessels.⁶³ Consul Garrels cabled a report, on January 6, on the testimony of the available survivors of the Persia. No one had seen a submarine and no one was able to swear that he had seen either a torpedo or its track.⁶⁴ Lansing reports in his War Memoirs that only one crew member, the officer of the deck, insisted that he had seen the wake of a torpedo.⁶⁵ Both Austria-Hungary and Germany denied that either Austrian or German submarines had been responsible for the destruction of the Persia.⁶⁶ Austria issued an additional statement saying that her submarines would observe international law.⁶⁷ The January 24 New York Times said that, according to a report from Amsterdam, the Persia had been destroyed by a Turkish submarine.⁶⁸ Turkey denied any responsibility for the Persia on March 8, 1916.⁶⁹ It was suggested that an internal explosion had caused the Persia to sink.⁷⁰ This prompted Jean Jules Jusserand, the French Ambassador to the United States, to observe that: "...we are asked to believe [that the Persia] sank of its own accord, committing a kind of suicide."⁷¹ The United States had no other re-

course, Secretary Lansing opined, but to accept the three denials, knowing that one of these was false.⁷² During this period Germany seemed to be avoiding conflict with the United States on submarine warfare by denying responsibility for submarine incidents. This certainly was the case in the sinking of the Persia, as it was in other incidents, such as in the destruction of the Ancona and the Hesperian.

III. ARMED MERCHANT SHIPS

The Persia incident renewed the armed merchantmen issue which had briefly served to complicate the Arabic crisis. The Baralong affair, which had coincided with the Arabic crisis, had illustrated the dangers encountered by submarines which attempted to follow cruiser rules of warfare when British vessels did not always observe international law.⁷³ The Wilson Administration knew that the German allegation that the British were arming many of their merchant vessels and using them offensively and possibly illegally was substantially true.⁷⁴ It became obvious that the British practice of arming merchant vessels was complicating the submarine warfare issue when the armed British passenger liner, Hesperian, was destroyed in September 1915, presumably by a submarine. When Secretary of State Lansing questioned Ambassador Bernstorff about the incident, Bernstorff pointed out that the Hesperian was armed and that the "whole controversy between the United States and Germany turns on the subject of 'unarmed merchant vessels.'"⁷⁵ At the same time, the United States warned Britain that unless British vessels ceased attacks without

provocation on submarines, British vessels would have to disarm before entering American ports.⁷⁶ The British responded by defending their position.⁷⁷ The subject of armed merchantmen was dropped when Ambassador Bernstorff issued the Arabic pledge.⁷⁸

The Persia incident, combined with the request of the Italian government for a copy of the State Department armed ship memo of September 1914, caused Secretary Lansing to rethink his position on armed ships.⁷⁹ Lansing surmised that the submarine commander must have observed the gun mounted on the Persia through his periscope and decided against a surface attack because of the gun. Instead of allowing the Persia to pass by, he had decided to attack her without warning.⁸⁰ Although the Secretary felt that the British position—which was based on legal precedent allowing the right of visit and search, the use of defensive armament, and the use of neutral flags as ruse de guerre—was the best position, he recognized that the advent of the submarine had changed the conditions of warfare. The submarine was a fragile craft which could be destroyed by a single shot, and its use as a commerce destroyer made it impossible for them to observe the customary rules of international law. The Secretary sought to reconcile these conflicting ideas in order that the lives of non-combatants travelling on merchantmen might be safeguarded.⁸¹

The congressional mood was also a factor in Lansing's decision to issue a compromise proposal on the armed ship issue. Although the Persia incident had not caused a crisis because of the denials issued by the Central Powers, it touched off a congressional revolt led by members of the Democratic Party, the President's own party. Senator

Thomas P. Gore, Democrat of Oklahoma, had introduced a bill on January 5, 1916, to prohibit Americans from travelling on belligerent merchant vessels.⁸² Congress was in a state of confusion, as Ray Standard Baker reports:

When Congress met for the winter session on December 6, 1915, it mirrored perfectly [the] public confusion and anxiety. Every new Congress comes back to Washington convinced that everything has gone wrong during its absence: that the President is on the verge of ruining the country. In this instance senators and representatives had been at home, fuming with impatience, for nine months, at a time when the world was literally on fire. No one of them knew comprehensively what the situation really was: they were determined to find out instantly—and change everything! Resolutions were at once introduced seeking embargoes on the export of munitions, providing for the control of armament manufacturers, pressing for peace conferences, asking for investigations of everything under the sun.⁸³

The turmoil in Congress plus the rumor that Germany was about to reopen the submarine campaign were additional factors in Lansing's decision to attempt to resolve the armed ship controversy.⁸⁴ The Secretary sought to resolve all these issues with one proposal.⁸⁵ which would change the American position on armed ships. Whereas the United States issued a memo in September, 1914, which said that defensively armed merchant vessels could enter American ports without being subject to laws governing warships, Lansing suggested, in January, 1916, that armed merchantmen be classified as vessels of war and, therefore, would be banned from American ports. His rationale was that the distinction between offensive and defensive armament was diminished because of the use of the submarine. Traditionally, merchant vessels were allowed to defend themselves, but they were never allowed to initiate an attack. Thus a defensively armed merchantman

was armed sufficiently to defend herself but she was not supposed to be capable of subduing other vessels.⁸⁶ The problem was that the submarine, unlike conventional warships, could be destroyed by one shot fired from a small caliber gun. Hence submarines were reluctant to observe rules of visit and search. Lansing's solution was to propose that merchant vessels stop carrying arms of any kind so that submarines could observe cruiser rules of warfare without fear of being destroyed.⁸⁷ Lansing felt that this proposal would be advantageous to Britain because the defensively armed merchant vessels were not very effective as a means of defense. He reasoned that, if Germany observed cruiser rules of warfare, Britain would gain because non-combatants travelling on merchant vessels would not be in constant danger of surprise submarine attacks. If Germany did not comply with the agreement, Britain would gain the sympathy and possible support of neutral nations. The Secretary felt that the United States might enter the war against Germany if she continued the surprise attacks on commercial vessels. And if Britain accepted the proposal, it would deprive Germany of the primary rationale for the commercial submarine war.⁸⁸

Although President Wilson did not record his thoughts on the modus vivendi proposed by Secretary Lansing, he told Lansing that the proposal was "reasonable, and thoroughly worth trying."⁸⁹ It is obvious that Wilson accepted the rationale of the proposal, for he wrote to Colonel House on October 4, 1915, saying that it was unfair to expect submarine commanders to observe cruiser rules of warfare at the risk of being fired upon.⁹⁰ The President also felt that the

proposal would be advantageous to Britain. He explained his reasoning on the matter to Colonel House in mid-February:

Germany is seeking to find an excuse to throw off all restraints in under-sea warfare. If she is permitted to assume that English steamers are armed she will have found the excuse. If the English will disarm their merchant ships she will be without excuse and the English will have made a capital stroke against her. We are amazed the English do not see this opportunity to gain a great advantage without losing anything.⁹¹

The modus vivendi on armed ships was drafted by Secretary Lansing and approved by President Wilson. On January 18, 1916, a copy of the proposal was sent to the British Ambassador, Sir Cecil Spring Rice, and additional copies were sent to France, Italy, Belgium, and Japan. Lansing did not send copies of the modus vivendi to Germany or Austria; because he felt that those countries would accept the proposal, since it merely required them to observe international law. The Secretary thought that, if Germany accepted the proposal and Britain and her allies refused, the Entente Powers would be the subject of adverse criticism. So he proposed to submit the modus vivendi to Britain first and, if she refused to accept it, to drop the matter.⁹²

It became evident in late January that the British Foreign Minister, Sir Edward Grey, was very upset with the American proposal, which he felt favored the Germans.⁹³ Secretary Lansing observed that Britain expected the United States to denounce commercial submarine warfare, and that the cause of Sir Edward's disappointment in the United States was that he expected America to save English commerce from German depredations.⁹⁴ Daniel Smith feels that the major flaw in Lansing's modus vivendi was his failure to understand the

British position on armed ships. Lansing was proceeding on the premise that submarines were most useful when engaged in surprise underwater attacks. According to Smith, the British were convinced that the submarines were most efficient when used as surface vessels, because then they could use their deck guns and increased speed more advantageously regardless of whether or not they observed cruiser rules. Thus armed merchantmen were useful in forcing submarines to rely exclusively on under-water attacks; and, therefore, the British were unwilling to give up this advantage.⁹⁵

The modus vivendi was presented at an inauspicious time for Anglo-American relations, because of the diplomatic mission of Colonel House. Colonel House was in Europe in the winter of 1916 in an attempt to gain the acceptance of the belligerents of a mediation offer. The modus vivendi was introduced at a time when Colonel House was in the process of completing an agreement with Sir Edward Grey and House felt that Lansing's proposal might thwart his own peace mission.⁹⁶ The agreement, which became known as the House-Grey Memorandum, was tentatively concluded on February 22. The Memorandum stipulated that President Wilson propose, at a time convenient to the Entente Powers, to end the war through a peace conference. If Britain and France should accept the offer and Germany should refuse, then the United States would probably enter the war against Germany.⁹⁷ President Wilson approved the plan and, although Lansing had doubts about it, the Secretary also gave his tentative approval.⁹⁸ The Memorandum was never invoked for a number of reasons; however, Colonel House felt that Lansing's modus vivendi was the primary cause for its

failure. Although President Wilson assured the Colonel that both he and Lansing had been responsible for the proposal, House felt that Lansing was primarily responsible for it.⁹⁹

On January 26, Secretary Robert Lansing informed the Austrian Chargé d'Affaires, Baron Zwiedinek, of the modus vivendi. Charles Seymour notes that Lansing was accused of trying to use the modus vivendi to force Germany into settling the Lusitania case.¹⁰⁰ The Baron replied by saying that Germany and Austria-Hungary were planning to release a declaration which would classify all armed merchantmen as auxiliary cruisers and therefore they would be liable to attack without warning by submarines. Lansing said that he had been postponing the settlement of the Lusitania case, because he thought that the Central Powers might resume unrestricted submarine warfare. If the Lusitania case were settled now, Lansing continued, and then the Central Powers were to release the declaration regarding armed ships, it would be most embarrassing to the United States. Since such a declaration would contradict assurances given by Germany regarding passenger vessels, the United States would have to condemn the declaration for these reasons. Lansing thought that, if the Central Powers were going to make such an announcement, they ought to do it now so that the Lusitania negotiations could be concluded, or so that the negotiations could continue with the declaration being taken into account. In the latter case, the United States could demand the withdrawal of the armed ship declaration as one of the factors in the Lusitania settlement.

Perceiving the strategic advantage to be gained if the Central Powers were induced to act promptly, [Lansing] told Zwiedinek that [he] deplored such proposed action, since it would reopen the submarine controversy, but that, if his government persisted in its intention to issue such a declaration, 'the sooner it was done the better.'¹⁰¹

Baron Zwiedinek telegraphed a summary of his conversation with Secretary Lansing to the Foreign Office that day. Lansing apparently wanted to use the Central Powers' armed ship announcement to pressure the Entente into accepting the modus vivendi, but the plan mis-carried.¹⁰² The telegram did not accurately convey Lansing's thoughts, however, for the Baron gave this translation of Lansing's proposal: "Secretary would welcome it if Central Powers now came forward with declaration that merchantmen with one or more guns will be treated as auxiliary cruiser."¹⁰³ This proved to be a great source of embarrassment to the Secretary of State. Although Lansing may have noticed the discrepancy in the telegram when it was transmitted through the State Department, he did not bring it to Baron Zwiedinek's attention.¹⁰⁴ Secret Service agents, who had tapped the telephone at the German Embassy, reported to Secretary Lansing, a few days later, that Ambassador Bernstorff had told a lady friend that he could force the Secretary to resign because Lansing had foolishly approved the German and Austrian armed ship declaration prior to its announcement. The Count had even speculated as to who would become Lansing's successor as Secretary of State.¹⁰⁵ The Secretary blamed Bernstorff for the misinterpreted cable incident rather than Baron Zwiedinek. He felt that the Baron had acted in good faith and had merely misunderstood what he had said. Lansing felt that the German Ambassador had been plotting against him, and,

furthermore, he did not trust Bernstorff.¹⁰⁶

On February 9, Baron Zwiedinek showed Secretary Lansing a telegram from the Foreign Office which said that the armed ship declaration welcomed by Lansing would be published in a few days. Lansing took this opportunity to inform the Baron that he had misunderstood what the Secretary had said. Lansing insisted that he had not used the word "welcome" and told Zwiedinek to inform the Austrian government that there had been a misunderstanding. Although the Baron said that he believed that the Secretary had said that he would welcome the announcement, he said that he would tell the Foreign Office of the mistake.¹⁰⁷ The German and Austrian governments apparently accepted Lansing's explanation of the incident; however, a number of sources insinuated that Lansing had been partly responsible for the armed ship declaration which was released by Germany and Austria on February 10, 1916.¹⁰⁸ The February 10 announcement said that henceforth all armed belligerent merchantmen would be treated as warships.¹⁰⁹

Daniel Smith, in Robert Lansing and American Neutrality, says that Lansing was not responsible for the Central Powers' armed ship memorandum, but that the German government had been considering resuming ruthless submarine warfare for some months. The February 10 declaration was a compromise between the Ministry of Marine and the Foreign Office. The German government probably did not want the modus vivendi to succeed anyhow, Smith continues, because it was believed to favor the Entente Powers. It is more likely that Germany intended to use the modus vivendi to justify the February 10 decree and to force the Entente to reject it.¹¹⁰ The modus vivendi was rejected

by the Entente governments on March 23, 1916.¹¹¹ The United States later withdrew the proposal and reinstated the September, 1914, position on armed ships in Lansing's March 25, 1916 memorandum. The memorandum recognized the legality of defensively armed belligerent merchantmen.¹¹²

The effect of the February 10 declaration was to curtail the settlement of the Lusitania case. The Wilson Administration was nearing agreement with Ambassador Bernstorff on the matter when the announcement was made.¹¹³ In addition, the modus vivendi jeopardized the House-Grey Memorandum. This fact caused the President to withdraw his support for the proposal, thus ensuring its demise.¹¹⁴ The modus vivendi was ill-starred from its inception. Lansing admits that he ought to have foreseen the effect that it would have on the dissident elements in Congress, but did not.¹¹⁵ The proposal caused the whole issue of armed ships to be revived in Congress. Senator Thomas Gore of Oklahoma introduced a resolution prohibiting the issuance of passports to Americans travelling on belligerent vessels. At the same time Representative Atkins Jefferson (Jeff) McLemore of Texas authored a resolution which forbade Americans to travel on armed belligerent merchantmen. Although the resolutions were defeated, the whole episode caused a major crisis in the Wilson Administration.¹¹⁶

NOTES TO CHAPTER V

- ¹ Lansing, War Memoirs, p. 174.
- ² Seymour, Intimate Papers of Colonel House, II, pp. 82-3, 192.
- ³ Ibid., pp. 218-19.
- ⁴ Arthur Link, Wilson: Confusions and Crises 1915-1916 (Princeton: Princeton Univ. Press, 1964), p. 57.
- ⁵ Ibid., p. 62; Gerald H. Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," Journal of Modern History, Vol. 38 (1966), p. 267; United States Foreign Relations Supplement 1915, p. 611, Secretary of State to the Ambassador in Italy (Page), Washington, Nov. 10, 1915; ibid., p. 646, American Ambassador (Page) to the Secretary of State, Dec. 18, 1915 (This account lists twelve Americans on board the Ancona); Birnbaum, Peace Moves and U-Boat Warfare, p. 45 (Birnbaum says that there were approximately 20 American citizens on board); New York Times, 10 Nov. 1915, front page. The Times account says that there were 422 passengers and 160 crew members, and of these, 270 survived the sinking.
- ⁶ Link, Wilson: Confusions and Crises, p. 62; May, World War and American Isolation, p. 163; United States Foreign Relations Supplement 1915, p. 645, Ambassador in Italy (Page) to the Secretary of State, Rome, Dec. 18, 1915; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 268.
- ⁷ Link, Wilson: Confusions and Crises, p. 67; Davis, "The 'Ancona' Affair: A Case in Preventive Diplomacy," p. 272.
- ⁸ Link, Wilson: Confusions and Crises, p. 67.
- ⁹ Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," pp. 267-8; also see Lansing, War Memoirs, pp. 87-8.
- ¹⁰ American Journal of International Law, Special Supplement 11, (Oct., 1917), pp. 164, 172, 180; also see Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 268, n. 2.
- ¹¹ United States Foreign Relations Supplement 1915, p. 619, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Nov. 23, 1915. Valentiner's operating base was in fact the Austro-Hungarian naval base at Pola. See Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 268, n. 2.

¹² Link, Wilson: Confusions and Crises, p. 62; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 269; also see Birnbaum, Peace Moves and U-Boat Warfare, p. 45.

¹³ New York Times, 11 Nov. 1915, front page and p. 2. A number of Italian newspapers insisted that the submarine was German. Other sources stated that the submarine was probably German. Several merchant vessels had been sunk in the Mediterranean at that time by submarines. Some of the submarines had flown the Austrian flag and some had flown the German flag. The case of the Cyrene was cited to illustrate that German submarines sometimes used Austrian flags. The Cyrene was an Italian cargo vessel which was approached by a submarine flying the German flag. The Cyrene hoisted the Italian flag, thereupon the submarine raised the Austrian flag and torpedoed her. Ibid., 12 Nov. 1915, p. 2. Survivors of the Ancona said that no warning was given before the attack.

¹⁴ Ibid., 12 Nov. 1915, p. 10, editorial.

¹⁵ Ibid., 13 Nov. 1915, p. 2.

¹⁶ Italy declared war on Austria on May 23, 1915. Germany severed relations with Italy on May 24. Italy did not enter the war against Germany until Aug. 28, 1916.

¹⁷ Smith, Lansing and American Neutrality, p. 110.

¹⁸ Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," pp. 273-4, n. 25. Davis notes that Hans Sökal, in Österreich-Ungarns Seekrieg, 1914-1918, 4 vols., indicates that the Austrian naval authorities gave permission for the use of the Austrian flag by German submarines, but that the operations chancery of the Austrian naval section denied it to the ministry of foreign affairs and to the fleet command.

¹⁹ Ibid., p. 273.

²⁰ Oppenheim, Treatise on International Law, II, pp. 509-10; Colombos, International Law of the Sea, pp. 496-7; Hall, Treatise on International Law, p. 578; Tucker, "The Law of War and Neutrality at Sea," pp. 138-42, 414; Hackworth, Digest of International Law, VI, pp. 454-7, 468, and II, pp. 665, 728-9, 732.

²¹ Link, Wilson: Confusions and Crises, pp. 78-9.

²² Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," pp. 272-3.

- 23 Bernstorff, My Three Years in America, pp. 212-16; Smith, Lansing and American Neutrality, pp. 108-10; Link, Wilson: Confusions and Crises, p. 62.
- 24 Seymour, Intimate Papers of Colonel House, II, p. 47, Nov. 21, 1915.
- 25 May, World War and American Isolation, p. 165.
- 26 Lansing, War Memoirs, pp. 88-9; also see Smith, Lansing and American Neutrality, p. 110.
- 27 Bernstorff, My Three Years in America, p. 210.
- 28 Lansing, War Memoirs, p. 88.
- 29 Smith, Lansing and American Neutrality, pp. 110-11.
- 30 Lansing Papers, I, pp. 497-8, Secretary of State to President Wilson, Dec. 3, 1915.
- 31 Ibid., p. 498, President Wilson to the Secretary of State, Dec. 5, 1915; Lansing, War Memoirs, p. 90.
- 32 United States Foreign Relations Supplement 1915, p. 624, Secretary of State to the Ambassador in Austria-Hungary (Penfield), Dec. 6, 1915; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," pp. 270-1. Davis says that the statements of survivors were used as a basis for the first American Ancona note. Davis notes that the survivors gave conflicting accounts of the incident and that the testimony of the American, Dr. Cecile Greil, which "bordered on the preposterous," was among those which were used by the State Department. Dr. Greil's account is in the American Journal of International Law, Special Supplement 11 (Oct., 1917), pp. 167-70. The woman seems to have experienced the whole disaster with her eyes glued to her watch, as her testimony gives a minute by minute account of the sinking and her escape from the Ancona.
- 33 United States Foreign Relations Supplement 1915, pp. 626-7, Secretary of State to the Ambassador in Austria-Hungary (Penfield), Washington, Dec. 13, 1915, transmitting a telegram from Baron Zwiedinek to Baron S. Burián, Dec. 11, 1915; Link, Wilson: Confusions and Crises, p. 69; Lansing, War Memoirs, p. 90.
- 34 Lansing Papers, I, pp. 93-4, memorandum by the Secretary of State of an interview with the Austro-Hungarian Chargé (Zwiedinek),

Washington, Dec. 11, 1915.

35 Bernstorff, My Three Years in America, p. 210.

36 United States Foreign Relations Supplement 1915, pp. 638-9, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Vienna, Dec. 15, 1915; Link, Wilson: Confusion and Crises, pp. 69-70; Smith, Lansing and American Neutrality, p. 112.

37 Lansing Papers, I, p. 499, Secretary to President Wilson, Dec. 17, 1915; also see American Journal of International Law, Special Supplement 11 (Oct., 1917), pp. 155-6, Official Announcement of the Austro-Hungarian Admiralty, transmitted to the Department of State by the Austro-Hungarian Chargé, Nov. 15, 1915.

38 Lansing Papers, I, p. 500, Draft telegram to Ambassador Penfield; Link, Wilson: Confusions and Crises, p. 70; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," pp. 271-2.

39 Smith, Lansing and American Neutrality, p. 112; Link, Wilson: Confusions and Crises, p. 70.

40 United States Foreign Relations Supplement 1915, pp. 647-8, Secretary of State to the Ambassador in Austria-Hungary (Penfield), Washington, Dec. 19, 1915; Link, Wilson: Confusions and Crises, p. 70.

41 Lansing, War Memoirs, p. 91.

42 United States Foreign Relations Supplement 1915, p. 640-1, 642, 647, Austro-Hungarian Chargé at Washington (Zwiedinek) to the Austro-Hungarian Minister of Foreign Affairs (Burián), Washington, Dec. 17, 18, 19, 1915; Lansing Papers, I, pp. 501-2, memorandum by the Secretary of State of a Conversation with the Austro-Hungarian Chargé (Zwiedinek), Dec. 18, 1915; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 271.

43 Lansing Papers, I, pp. 501-2, memorandum by the Secretary of State of a Conversation with the Austro-Hungarian Chargé (Zwiedinek), Dec. 18, 1915.

44 Lansing, War Memoirs, pp. 91-2; Lansing Papers, I, pp. 503-4, memorandum by the Secretary of State of a Conversation with the Austro-Hungarian Chargé (Zwiedinek), Dec. 21, 1915; Smith, Lansing and American Neutrality, p. 112.

45 Lansing Papers, I, p. 505, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Vienna, Dec. 23, 1915.

46 Ibid., pp. 506-7, President Wilson to the Secretary of State, Hot Springs, Va., Dec. 27, 1915; Smith, Lansing and American Neutrality, p. 112.

47 Lansing, War Memoirs, pp. 93-4.

48 Lansing Papers, I, pp. 507-8, the Secretary of State to President Wilson, Washington, Dec. 28, 1915.

49 Ibid., pp. 508-9, President Wilson to the Secretary of State, Hot Springs, Va., Dec. 29, 1915; Link, Wilson: Confusions and Crises, pp. 70-1.

50 Lansing Papers, I, pp. 221-2, Secretary of State to President Wilson, Washington, Dec. 21, 1915; Lansing, War Memoirs, pp. 92-3; Smith, Lansing and American Neutrality, p. 113.

51 Ibid.

52 New York Times, 30 Dec. 1915, front page; Link, Wilson: Confusions and Crises, pp. 71-2.

53 Ibid.

54 United States Foreign Relations Supplement 1915, pp. 655-8, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Vienna, Dec. 29, 1915; Lansing, War Memoirs, p. 94; Link, Wilson: Confusions and Crises, p. 72; Smith, Lansing and American Neutrality, p. 113; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 272; cf. Spindler, La Guerre Sous-Marine, III, pp. 38-40.

55 Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 275 (see note 31); May, World War and American Isolation, p. 228.

56 Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," pp. 276-7; Link, Wilson: Confusions and Crises, p. 76.

57 United States Foreign Relations Supplement 1916 (Washington: United States Government Printing Office, 1929), p. 156, Secretary of State to the Chargé in Turkey (Philip), Washington, Feb. 2, 1916; Link, Wilson: Confusions and Crises, p. 76; Davis, "The 'Ancona' Affair: A Case of Preventive Diplomacy," p. 277; May, World War and American Isolation, pp. 163-4; New York Times, 6 Jan. 1916, front page. A third American, Rev. Homer R. Salisbury, an Adventist minister who was travelling to India to join his wife (who was also a minister), was on board the Persia. Rev. Salisbury boarded the Persia in Marseilles just before she sailed and therefore was not listed as a passenger. He was reported missing.

- 58 American Journal of International Law, Special Supplement 11 (Oct., 1917), p. 201, Consul Garrels to the Secretary of State, Alexandria, Jan. 1, 1916, Diplomatic Agent Arnold to the Secretary of State, Cairo, Jan. 2, 1916; Lansing, War Memoirs, pp. 94-5.
- 59 Link, Wilson: Confusions and Crises, p. 76; Lansing Papers, I, pp. 512-13, President Wilson to the Secretary of State, Hot Springs, Va., Jan. 2, 1916.
- 60 Ray Stannard Baker, Woodrow Wilson: Life and Letters, Vol. 6: Facing War, 1915-1917 (New York: Greenwood Press, 1968), p. 157; Link, Wilson: Confusions and Crises, p. 77; also see May, World War and American Isolation, p. 182.
- 61 Joseph Tumulty, Woodrow Wilson as I Know Him (New York: Doubleday, Page and Co., 1921), p. 249.
- 62 Ibid., pp. 249-50; Baker, Woodrow Wilson: Life and Letters, Vol. 6, p. 140; Link, Wilson: Confusions and Crises, pp. 77-8.
- 63 New York Times, 6 Jan. 1916, front page; Link, Wilson: Confusions and Crises, p. 78; Baker, Woodrow Wilson: Life and Letters, Vol. 6, p. 157; May, World War and American Isolation, p. 183; also see Smith, Lansing and American Neutrality, p. 116.
- 64 New York Times, 7 Jan. 1916, p. 3, col. 1; Link, Wilson: Confusions and Crises, p. 78; American Journal of International Law, Special Supplement 11 (Oct., 1917), pp. 203-4, Consul Garrels to the Secretary of State, Alexandria, Jan. 8, 1916.
- 65 Lansing, War Memoirs, pp. 94-5.
- 66 United States Foreign Relations Supplement 1916, p. 145, Ambassador in Germany (Gerard) to the Secretary of State, Jan. 17, 1916, pp. 148-49, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Jan. 23, 1916.
- 67 American Journal of International Law, Special Supplement 11 (Oct., 1917), p. 203, Burián to Penfield, Jan. 5, 1916; Ibid., Vol. 12 (1918), p. 169, Editorial Comment by James Brown Scott.
- 68 New York Times, 24 Jan. 1916, front page. The report was unconfirmed.
- 69 United States Foreign Relations Supplement 1916, pp. 214-15, the Charge in Turkey (Philip) to the Secretary of State, March 8, 1916.

70 Link, Wilson: Confusions and Crises, p. 78.

71 United States Foreign Relations Supplement 1916, p. 149, the French Ambassador (Jusserand) to the Secretary of State, Jan. 29, 1916.

72 Lansing, War Memoirs, p. 95.

73 Link, Wilson: Struggle for Neutrality, p. 669, n. 72; also see Lansing Papers, I, p. 333, Secretary of State to President Wilson, Jan. 2, 1916.

74 Link, Wilson: Struggle for Neutrality, pp. 668-9; Link, Wilson: Confusions and Crises, p. 155. Lieutenant Max Valentiner of the U-38 captured the British armed steamer the Woodfield on Nov. 3, 1915. Among the ships papers were instructions issued by the British Admiralty on methods of attack to be used against submarines. Adolf Scheurer, Bewaffnete Handelsschiffe im Weltkrieg; Eine Denkschrift unter Benutzung Amtlichen Materials (Berlin: Julius Springer, 1919), pp. 58-62.—These pages contain a copy of the instructions found on the Woodfield, instructions which were later used by the German government to justify, in part, the February 10, 1916 armed ship decree. United States Foreign Relations Supplement 1916, pp. 163-7, Ambassador in Germany (Gerard) to the Secretary of State, Feb. 10, 1916.

75 United States Foreign Relations Supplement 1915, pp. 538-9, German Ambassador (Bernstorff) to the Secretary of State, Sept. 8, 1915; Link, Wilson: Struggle for Neutrality, p. 668, n. 71; May, World War and American Isolation, p. 163.

76 Link, Wilson: Struggle for Neutrality, p. 669, see n. 74; United States Foreign Relations Supplement 1914, pp. 611-12, Acting Secretary of State to the Diplomatic Representatives of Belligerent States, Sept. 19, 1914, Memo on the Status of Armed Merchant Vessels. The American position in 1914 was that armed merchant vessels would be allowed to enter American ports and would not be subject to laws governing auxiliary cruisers or warships.

77 Link, Wilson: Struggle for Neutrality, pp. 669-71.

78 Ibid., p. 71.

79 Link, Wilson: Confusions and Crises, pp. 142-3. 79 armed Italian merchantmen began appearing in American ports at this time. Lansing, War Memoirs, pp. 95-8.

80 Ibid., pp. 97-8.

81 Ibid., pp. 96-7.

82 Smith, Lansing and American Neutrality, p. 114; Baker, Woodrow Wilson: Life and Letters, Vol. 6, p. 157; May, World War and American Isolation, p. 82; United States Congress, Congressional Record, 64th Congress, 1st session, p. 495.

83 Baker, Woodrow Wilson: Life and Letters, Vol. 6, pp. 155-6; also see Harley Notter, The Origins of the Foreign Policy of Woodrow Wilson (New York: Russell & Russell, Inc., 1965), p. 464; Smith, Lansing and American Neutrality, p. 114; also see May, World War and American Isolation, p. 184.

84 Lansing, War Memoirs, pp. 101-4; Smith, Lansing and American Neutrality, p. 114.

85 Ibid.

86 United States Foreign Relations Supplement 1914, pp. 611-12. The Sept. 19, 1914 armed ship memo gives the criteria for a defensively armed merchant vessel. Such a vessel must use guns no larger than 6 inches, a small amount of ammunition, and must carry the usual crew.

87 Lansing Papers, I, pp. 334-5, Secretary of State to the President, Jan. 7, 1916, enclosure, Memorandum by the Secretary of State on Armed Merchant Vessels and Submarine Warfare; Lansing, War Memoirs, pp. 99-101; Link, Wilson: Confusions and Crises, pp. 142-3.

88 Lansing, War Memoirs, p. 110; Smith, Lansing and American Neutrality, pp. 114-15.

89 Lansing Papers, I, p. 335, President Wilson to the Secretary of State, Jan. 10, 1916; Link, Wilson: Confusions and Crises, p. 144.

90 Baker, Woodrow Wilson: Life and Letters, Vol. 6, p. 159; May, World War and American Isolation, p. 185.

91 W. W. to E. M. House, Feb. 16, 1916, Wilson Papers as quoted in Link, Wilson: Confusions and Crises, p. 144.

92 Lansing Papers, I, p. 336, Secretary of State to President Wilson, Jan. 17, 1916, President Wilson to the Secretary of State, Jan. 17, 1916; United States Foreign Relations Supplement 1916, pp. 146-8, Secretary of State to the British Ambassador (Spring Rice), Jan. 18, 1916; Lansing, War Memoirs, pp. 104-7; Link, Wilson: Confusions and Crises, pp. 145-6; also see Smith, Lansing and American Neutrality, p. 117.

93 United States Foreign Relations Supplement 1916, pp. 151-2, Ambassador in Great Britain (Page) to the Secretary of State, London, Jan. 25, 1916.

94 Lansing Papers, I, p. 338, Secretary of State to President Wilson, Jan. 27, 1916; Link, Wilson: Confusions and Crises, p. 154.

95 Smith, Lansing and American Neutrality, p. 175.

96 Ibid., p. 117; Seymour, Intimate Papers of Colonel House, II, pp. 218-19.

97 Ibid., pp. 201-2.

98 Smith, Lansing and American Neutrality, p. 120.

99 Ibid., pp. 120-1; also see May, World War and American Isolation, pp. 352-60; Link, Wilson: Confusions and Crises, p. 162.

100 Seymour, Intimate Papers of Colonel House, II, p. 214.

101 Lansing, War Memoirs, pp. 112-13; Smith, Lansing and American Neutrality, p. 122; Link, Wilson: Confusions and Crises, pp. 154-5.

102 Smith, Lansing and American Neutrality, p. 122; May, World War and American Isolation, p. 186.

103 Lansing Papers, I, p. 337, German Embassy to the Department of State, Jan. 26, 1916, enclosed telegram the Austro-Hungarian Chargé (Zwiedinek) to the Austro-Hungarian Foreign Office.

104 Ibid., Memorandum by the Secretary of State, Jan. 26, 1916; Smith, Lansing and American Neutrality, p. 122.

105 Lansing, War Memoirs, p. 113.

106 Ibid.; Smith, Lansing and American Neutrality, pp. 122-3.

107 Lansing Papers, I, pp. 341-2, Memorandum by the Secretary of State of a Conversation with the Austro-Hungarian Chargé (Zwiedinek), Feb. 9, 1916; Lansing, War Memoirs, p. 114; Smith, Lansing and American Neutrality, p. 123; Link, Wilson: Confusions and Crises, pp. 157-8 (see n. 45). Link observes that regardless of the phrase Lansing used in his conversations with Zwiedinek, he did encourage the Austrian and German governments to issue the armed ship declaration. Thus Link speculates that the two versions given by Lansing in his War Memoirs, pp. 113-15 and in the Lansing Papers, I, pp. 341-2, were apparently fabricated in order to conceal his mistake; also see Seymour, "The House-Bernstorff Conversations in Perspective," p. 98. Seymour feels that Lansing acquiesced to the German announcement.

108 Smith, Lansing and American Neutrality, p. 123 (see n. 96); Seymour, Intimate Papers of Colonel House, II, p. 224, Colonel House to the President, New York, March 12, 1916. Bernstorff told House that he had gotten involved in the armed ship incident "innocently and at our instigation." Lansing Papers, I, pp. 680-1, Ambassador in Germany (Gerard) to the Secretary of State, Berlin, March 14, 1916. Gerard read von Jagow Lansing's explanation of the Zwiedinek cable (United States Foreign Relations Supplement 1916, pp. 201-4). Jagow's response was that the German government thought that Lansing favored the German view on armed ships but "the President came home and ordered Lansing to switch."

109 United States Foreign Relations Supplement 1916, pp. 163-7, Ambassador in Germany (Gerard) to the Secretary of State, Feb. 10, 1916, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Vienna, Feb. 10, 1916.

110 Smith, Lansing and American Neutrality, p. 124.

111 United States Foreign Relations Supplement 1916, pp. 211-12, British Ambassador (Spring Rice) to the Secretary of State, March 23, 1916.

112 Smith, Lansing and American Neutrality, p. 127; United States Foreign Relations Supplement 1916, pp. 223-4, Secretary of State to the British Ambassador (Spring Rice), April 7, 1916; Savage, Policy of the United States Toward Maritime Commerce in Time of War, II, pp. 487-92, Memorandum by the Secretary of State on the Status of Armed Merchant Vessels, Made Public April 26, 1916, Washington, March 25, 1916.

113 Smith, Lansing and American Neutrality, p. 123; Lansing, War Memoirs, pp. 156; Bernstorff, My Three Years in America, pp. 220-3; Link, Wilson: Confusions and Crises, pp. 160, 162.

114 Ibid., p. 162; Samuel Flagg Bemis, A Diplomatic History of the United States (New York: Henry Holt and Co., 1942), p. 606, n. 1; also see Smith, Lansing and American Neutrality, p. 120.

115 Lansing, War Memoirs, p. 116.

116 Ibid., pp. 116-17; Link, Wilson: Confusions and Crises, Chapter VI, "The Armed Ship Rebellion"; Smith, Lansing and American Neutrality, pp. 125-7.

CHAPTER VI

THE SECOND LUSITANIA CRISIS

The Lusitania case, which had been pending since May, 1915, when the Lusitania was destroyed, was suddenly reopened by Secretary of State Robert Lansing, in November, 1915. After a lengthy exchange of notes between Germany and the United States, Secretary Lansing and the German Ambassador, Count Johann von Bernstorff, began confidential negotiations in August in order to settle the case. These negotiations had been cut short by the Arabic crisis, and Secretary Lansing had let the Lusitania case drift until the Ancona was sunk in November. The Ancona served as a reminder that the Lusitania case remained unsolved. There was no particular reason why negotiations should be resumed at this time.

The renewal of the Lusitania negotiations seems to have been part of a policy to bring pressure on both of the Central Powers because of the submarine campaign. Lansing was conducting negotiations with the Austrian Chargé d'Affaires Baron Zwiedinek on the Ancona incident during the period when the Lusitania negotiations were resumed. Daniel Smith, in Robert Lansing and American Neutrality, has observed that Lansing's methods of negotiating the Lusitania case indicated that he believed the United States would soon have to enter the war.¹ The Wilson Administration as a whole was pro-Entente, but Lansing was the most radical member of the Administration in his

opinions about the war in 1915. President Wilson and Colonel House were involved in negotiations for a peace conference. Although Colonel House advocated American intervention in the war should Germany refuse to participate in a peace conference, President Wilson envisioned the use of moral force against Germany, if she did not cooperate.² Lansing has observed that Wilson was unprepared to go to war with Germany until the issues had reached the crisis stage in March, 1917.³ House disapproved of pressuring Germany into a disavowal of the Lusitania incident at this time.⁴ Wilson felt that the Lusitania case ought to be settled, but he had realized from the beginning that the policy of "strict accountability" limited American options and could lead to war.⁵

Lansing's writings and his conduct during the winter of 1915-1916 indicate that he was in favor of an American entry into the war at that time. Colonel House told the British Foreign Secretary, Sir Edward Grey, in January, 1916, that Lansing was insisting on a break with Germany "in the belief that if the Central Powers win, we would have to reckon with them later."⁶

Lansing was decidedly pro-British in his attitude by the summer of 1915. During the Lusitania negotiations in July, he had written a memorandum entitled "Consideration and Outline of Policies" in which he said that the United States might have to enter the war on the side of Britain in order to prevent a German victory. Lansing concluded that the German government constituted a threat to all democratic governments.⁷ Lansing admitted in his War Memoirs that he had difficulty in conducting the Lusitania negotiations in a de-

tached manner and noted that Ambassador Bernstorff was aware of his pro-British sympathies.⁸

It was difficult to restrain one's feelings and to conduct a dispassionate correspondence with the German Government concerning the Lusitania affair, when nature revolted at the callousness of the perpetrators of the crime and of the officials who unhesitatingly defended the act. Expressions of good will and courteous phrases seemed very much out of place. To conduct such a correspondence was all the harder for me in view of my sympathy with the Allies, and my steadfast conviction that their cause was in truth the cause of all liberty-loving peoples throughout the world. Satisfied, however, that the preponderance of public opinion in the United States, or at least a very large majority of the people, favored a continuance of neutrality and the avoidance of a rupture of diplomatic relations with Germany, there was no other course to take. Though it was hostile to one's natural inclinations, notes had to be written and interviews held without exhibiting in any way the real repugnance one felt toward those who attempted to justify inhumanity and crime. How much more satisfying it would have been to have denounced the whole wicked business, to have sent Bernstorff home, and to have declared war against the government which was the instigator and defender of the barbarous outrages.⁹

In the negotiations with Count Bernstorff, Secretary Lansing insisted that Germany admit the illegality of surprise submarine attacks. Germany was not able to accept these terms, because that would preclude the use of unrestricted submarine warfare in the future. The main consideration of these negotiations was the question of liability for those Americans who died on the Lusitania and implementation of the Arabic pledge with the additional guarantee that cruiser rules be applied to all vessels.¹⁰

Ambassador Bernstorff felt that the renewal of the Lusitania case was unnecessary and a manifestation of bad faith (mala fides), because the Lusitania case had died down and the Arabic case had been settled. The Ambassador wondered if the case was reopened be-

cause the American government wanted a new diplomatic success. Bernstorff observed that there remained the possibility of war between the United States and Germany and he felt that Wilson might try to use the situation to his political advantage during the election campaign in order to assuage anti-German public opinion.¹¹

The Secretary of State spoke with Ambassador Bernstorff on November 2 about the Lusitania case. The German Ambassador resubmitted the German offer of October 2, which expressed regret that Americans died on the Lusitania but refused to admit liability or pay an indemnity. Germany suggested that the case be submitted to the Hague Court of arbitration.¹² Count Bernstorff told Lansing that he felt that this was as far as his government would go. Lansing replied that the draft was unacceptable in its present form. The Secretary said that he would offer suggestions for a solution to the case in a few days. He continued to insist that Germany admit liability for those Americans who died on the Lusitania. Bernstorff said that Germany would not agree to this and that some other way must be found to determine liability. The Secretary replied that the case would have to be resolved soon.¹³

Lansing's formula for the resolution of the Lusitania case was written with the objections of the German government in mind and, consequently, provided for an admission of liability and the offer of an indemnity; but these terms were written in ambiguous language.¹⁴ President Wilson was not particularly pleased with this solution, but confessed that he was not able to provide a better one.¹⁵ The formula was presented to Ambassador Bernstorff when he came to the State De-

partment at Lansing's request on November 17. Lansing handed the Ambassador the proposal, saying that he had not used the word "disavow" but had substituted an admission of illegality instead.

Bernstorff read the note and said that he would forward it to his government, because he did not have the authority to go beyond the October 2 note. Lansing proceeded to discuss the mood of the country in regard to submarine warfare.

I told him that I hoped this matter could be settled satisfactorily to this Government before the assembling of Congress, as the present resentment of public opinion in this country might cause a serious situation of affairs if the matter was discussed in Congress; that it was even possible that Congress, with whom the power rested, might declare war.¹⁶

Bernstorff replied that he was aware of the seriousness of the situation and promised to send Lansing's proposal to his government.¹⁷

Arthur Link notes that Bernstorff was not really impressed with the severity of the situation, for Colonel House had told him on October 30 that the Wilson Administration "preferred to let the Lusitania case drift."¹⁸ Bernstorff's reports to Germany at this time said that the case was not acute and that the American government wanted to drop the subject, but to make a settlement at a later date.¹⁹

In his report of November 23, Bernstorff said that there was no hope of settling the Lusitania case, because the United States refused to submit it to the Hague Court; however, the Administration was counting on the possibility in the future. He noted that such a court would certainly award the Americans an indemnity.²⁰

Lansing wrote President Wilson, on November 19, that he feared the Lusitania case had come to an impasse. He had heard that Bernstorff and/or the German government hoped to prolong the Lusitania negotiations in hopes that the Wilson Administration would eventually drop the matter. Whether or not these reports were true, Lansing felt that the government would encounter sharp criticism if the case were not settled as soon as possible. The Secretary thought that two courses of action were open to the United States, if Germany did not respond to American demands. The United States could sever diplomatic relations with Germany or lay the case before Congress. Lansing favored the latter course of action. He thought that the American people were dissatisfied with the continuing negotiations and felt that they would reject the policies of the Wilson Administration if American demands in the Lusitania case were not met. Lansing thought that the pro-German vote was already lost for the Democratic Party, and, if this were the case, the anti-German vote was still available. He felt that, if the Administration was not firm enough in the Lusitania case, the anti-German vote would be lost as well.²¹

The President apparently shared many of Lansing's opinions, for he replied that the Lusitania case was as critical then as it had been on May 7, the day she sank. He thought that various communications with the German government on the issue had indicated that the submarine commander had violated his instructions in sinking the Lusitania.²² Wilson continued, saying "that we should regard a failure to settle this question in the same frank way that the

sinking of the Arabic was settled would be little less than a repudiation of the assurances then given us and seem to lead back to the very crisis in our relations that was then so happily avoided."²³ In his War Memoirs, Lansing observed that the President did not discuss his proposals. He thought that this was unusual, for the President customarily would address himself to Lansing's suggestions or remain silent. The Secretary did not find Wilson's ideas helpful, because the President indicated that Lansing should continue to conduct the negotiations in the same manner. Lansing felt that he was not getting any results from this course of action.²⁴

After waiting for several days for a reply from Count Bernstorff, Secretary Lansing sent him a note which said that it was imperative that a settlement of the Lusitania case be attained within a few days.²⁵ The Ambassador answered Lansing's note on the following day, reminding the Secretary that the mails were slow and that it would be several weeks before he would receive a reply from the Foreign Office on his report of the negotiations with Lansing. His assessment of the situation was that Germany would not make any more concessions. Bernstorff observed that Lansing had expressed the opinion that Germany might be induced to make concessions in the Lusitania case because of the latest American protest to Britain in regard to her blockade practices. The German Ambassador said that he did not think that Germany would come to this conclusion until Britain abandoned her illegal practices. He thought that German public opinion would not be sympathetic to concessions to the United States unless the British were willing to abide by the Declaration of London. If the United States pressed the Lusitania case too vigorously, Bernstorff said that the results would be the opposite of what the Ameri-

can government wanted, because it might cause Germany to escalate reprisals against Britain.²⁶ The German Ambassador was still under the impression that the Lusitania negotiations did not constitute a crisis, because he reported this exchange of letters to Chancellor Theobald von Bethmann Hollweg, with the observation that Lansing was acting on his own authority. Bernstorff formed that opinion because Secretary Lansing had not mentioned the President in the course of the negotiations and because Colonel House had told the Ambassador that the President was not interested in the case any more.²⁷ The Wilson Administration subsequently became embroiled in the Ancona affair and the Lusitania negotiations were suspended for two weeks.²⁸ After Austria-Hungary agreed to meet all of the American demands in the Ancona case, Secretary Lansing informed reporters that the settlement with Austria would facilitate the Lusitania negotiations.²⁹

Robert Lansing asked Ambassador Bernstorff to meet him at the State Department on December 1, and at that time Lansing told him that the United States was requesting that Germany recall Captain Karl Boy-Ed and Captain Franz von Papen because of their involvement in illegal activities in the United States. The Ambassador nervously inquired as to whether he was implicated in these matters. The Secretary replied that he was not. Lansing took this opportunity to discuss the Lusitania case. Bernstorff said that it was impossible to settle the Lusitania case in the manner suggested by Secretary Lansing, because German public opinion would not permit the fulfillment of American demands which constituted an admission of liability. Lansing observed that the Ambassador had sent his formula to the

Foreign Office but he thought that the negotiations ought to be moving more rapidly and, therefore, offered to send a cipher message through the State Department for Bernstorff.³⁰

Count Bernstorff reported to his government that the United States was using the recall of Boy-Ed and von Papen as a safety valve in order to prevent the Congress from breaking diplomatic relations with Germany. Bernstorff thought that the Wilson Administration was afraid that Congress might act on the espionage cases involving German diplomats, as well as the Lusitania case, if the Administration did not deal with these problems. Bernstorff felt that Wilson had had the two attachés recalled, in hopes that Congress would be willing to let the Lusitania case rest for a time, because German-American relations were very tense. Congress could be expected to deal more radically with these questions than would the Wilson Administration. Although the German Ambassador felt that there was no immediate danger of any hasty Congressional action, he thought that Congress was unpredictable and that Germany ought to do something in regard to the Lusitania case. He cautioned that the anti-German element was a force to be reckoned with and that Germany ought to be prepared to make concessions in the Lusitania case. If the United States broke relations over the case, he continued, war would be inevitable. Bernstorff suggested that Germany justify the sinking of the Lusitania in terms of a reprisal. This would put the case outside the scope of international law and an indemnity could be paid without an admission of wrongdoing. He thought that President Wilson preferred to wait until after the war to settle the Lusitania case, but

the end of the war was not in sight and there existed the possibility of congressional intervention.³¹

The basis for the settlement of the Lusitania case, in the opinion of Count Bernstorff, was President Wilson's proposal for freedom of the seas and the American note of October 21, 1915, to Britain in protest of the blockade. However, he thought that the United States would not press Britain vigorously, because of her violations of international law, as long as the Lusitania case remained unsettled. Bernstorff felt that the Lusitania would be far more difficult to settle than the Arabic case had been, because the old instructions to submarine commanders were in force when the Lusitania was sunk. The Ambassador was, therefore, anxious to avoid negotiations. Secretary Lansing, however, insisted that the case must be resolved before the proposal for freedom of the seas could be discussed. Bernstorff perceived public opinion to be the basis for Lansing's rationale in this regard. He observed that it was impossible for the United States to deal with English violations of international law, when the Lusitania was discussed in the press on a daily basis.³²

The German Ambassador became alarmed when he received a terse note from Secretary of State Lansing, written on December 15, demanding progress in the Lusitania case. "I feel that continued delay in reaching an agreement in this matter may precipitate a situation which both of us would seriously regret," the Secretary warned.³³ Bernstorff hurried to Colonel House's apartment the next day, complaining bitterly that the United States was trying to force both of the Central Powers into severing relations. He thought that Presi-

dent Wilson was under the impression that Germany was perpetrating plots in the United States. The Ambassador argued fervently against dispatching a stern note on the subject to Germany. He felt that he would be able to obtain an apology and an indemnity for the Lusitania if he were given enough time.³⁴

Count Bernstorff sent Lansing's most recent letter to Berlin by wireless and it arrived on December 16; Bernstorff's report of November 23, which was sent through the mail, arrived in Berlin on December 17. Chancellor Bethmann Hollweg and the Foreign Secretary, Gottlieb von Jagow, perceived that there was a crisis and the Chancellor drafted a complex set of instructions for Count Bernstorff in order to prevent him from exercising the kind of personal discretion he had used during the Arabic crisis. The instructions included three counterproposals. The first proposal justified the submarine war as a reprisal against Britain for her illegal blockade. It stated that neutrals were hurt by submarine warfare because of their acceptance of British measures. Germany was not obligated to pay an indemnity for the destruction of the Lusitania but expressed regret that the incident had occurred and offered to submit the case for arbitration to the international court of arbitration.³⁵ The second counterproposal was much the same as the first, but the offer of arbitration was omitted and this offer was substituted: "However, the German Government, without recognizing any obligation under international law, but out of a spirit of friendship, is willing to pay an indemnity for the death of American citizens on account of the sinking of the Lusitania."³⁶ Bethmann's third proposal deleted

the offer of arbitration as well and made the following offer instead:

The German Government, on the other hand, recognizes from the course which the negotiations so far have taken, the difficulty to reconcile in principle the American and the German point of view, as the interests and legal aspects of the neutrals and belligerents naturally do not agree in this point and as the illegality of the English course of procedure can hardly be recognized in the United States as fully as it is in Germany. A perpetuation of this difference of opinion, however, would not tend to further the amicable relations between the United States and Germany which have never been disturbed and the continuation of which is so sincerely desired by both Governments. Actuated by this spirit the Imperial Government again expresses its deep regret at the death of American citizens caused by the sinking of the Lusitania and, in order to settle this question amicably, declares its readiness to pay indemnity for the losses inflicted.³⁷

The Chancellor included the admonition that any changes except stylistic changes would have to be cleared with the Foreign Office.³⁸

Secretary von Jagow wired Ambassador Bernstorff that instructions were being mailed to him and the Ambassador informed the American Secretary of State of this fact on December 20. Lansing said that a delay of two weeks might make a settlement impossible. He suggested that the instructions be wired to Bernstorff.³⁹

The Ambassador transmitted Lansing's suggestion to Berlin.⁴⁰

In addition Lansing instructed the American Ambassador to Germany, James W.

Gerard, to repeat this suggestion to Bethmann Hollweg.⁴¹

Ambassador Bernstorff sent several additional telegrams requesting that the Foreign Office send the instructions through Ambassador Gerard.

Bernstorff warned that public hysteria was mounting and that the pressure for a settlement was building because of the tense polit-

ical situation. The possibility of severing relations with Austria-Hungary over the Ancona affair in addition to the espionage cases involving German nationals created a very unstable situation. The instructions were not sent immediately, because Foreign Secretary von Jagow knew that Austria-Hungary was going to yield in the Ancona case and he wanted to take advantage of the favorable atmosphere this would create in the United States. Consequently, he did not send Bernstorff his instructions until December 26.⁴²

Bernstorff presented the Chancellor's first counterproposal to Secretary Lansing on December 31. The proposal covered old ground, Bernstorff observed. Although the proposal suggested arbitration, he thought that the German government wanted to know why the United States did not want to submit the case for arbitration. The Ambassador said that, if the United States could make a good case against the use of arbitration, Germany might be inclined to settle the case in much the same way Austria-Hungary had resolved the Ancona case. Lansing said "that we had discussed the illegality of retaliatory measures by a belligerent and that so far as the legal point of view was concerned [he] could not see that there was anything to arbitrate."⁴³ However, Lansing added that the United States would be willing to arbitrate the amount of the indemnity. The issue of liability need not be mentioned, the Secretary continued; it could be passed over as it was in the Arabic settlement.⁴⁴ The next to the last paragraph of the November 29 note in the Frye case, Lansing observed, "specifically stated that persons on board a vessel about to be sunk should be placed in safety."⁴⁵ The Ambassador seemed surprised:

"Have they gone as far as that?" The Secretary nodded—"Yes, that is their language and of course it applies as well to belligerent merchant ships as to neutral merchant ships engaged in contraband trade because the only legal ground for sinking a neutral vessel would be its temporary belligerent character."⁴⁶

Bernstorff said he would make a report to his government on these matters and was hopeful of reaching an agreement along these lines.⁴⁷

The Lusitania negotiations were briefly interrupted by the sinking of the armed merchantman, the Persia, on December 30; and President Wilson and Secretary Lansing were subsequently occupied with the armed ship issue. The Lusitania negotiations resumed on January 7, 1916, when Ambassador Bernstorff handed the Secretary of State the German Chancellor's third counterproposal. Also he revealed the instructions to the submarine commanders in the Mediterranean, which Lansing decided to publish with Bernstorff's permission.⁴⁸ Lansing was not completely satisfied with the German proposal; however, he hoped that a settlement was close at hand.

There is lacking any recognition of liability since the indemnity which they proposed to pay is, in fact, on the basis of comity and not on the basis of right—at least that is my view at present. If in any way the agreement to pay the indemnity can be construed into a recognition of liability it would seem as if a final settlement of the case was very near.⁴⁹

It seemed as though the two governments were closer to an agreement, as Wilson's reactions to the proposal were similar to Lansing's. The President wrote to Lansing on January 10, saying: "I have tried hard to find something in this note about the Lusitania out of which a satisfactory answer to our demands could be made, but must admit that I have failed. It is a concession of grace, and not at all of

right."⁵⁰ Both Secretary Lansing and President Wilson felt that Germany ought to admit liability in the offer of an indemnity.⁵¹ When Lansing, met with the German Ambassador on January 10, the Secretary told Bernstorff that the proposal was not satisfactory, because Germany was not willing to pay the indemnity out of a recognition of liability. Germany must admit liability, because that would amount to a disavowal and the United States must have a disavowal, Lansing said. The Ambassador replied that Germany was not willing to abandon reprisals because of the illegal British blockade. Bernstorff handed the Secretary a note he had received from the Foreign Office which said that Germany wanted the United States to take "energetic steps to establish real freedom of seas."⁵² Lansing said that it was not necessary for Germany to forego reprisals, for there might be need of them. What the United States wanted was the admission of liability for damages to neutrals. The United States was pursuing this policy with regard to Britain as well, the Secretary asserted.⁵³

Bernstorff's report to the Foreign Office of his conversation with Lansing omitted Lansing's main point—that an admission of liability would constitute a disavowal. The Ambassador suggested that the third counterproposal be revised by dropping the second paragraph, which said that neutrals who had acquiesced to British measures had no right to protest German retaliatory measures. Foreign Secretary von Jagow replied that this would be acceptable, if it satisfied Secretary Lansing. If it did not, the Ambassador was authorized to resubmit the October 2 note with some revision; the last paragraph would be deleted and the final paragraph of the Chan-

cellor's third counterproposal would be substituted with a few stylistic changes. The October 2 note justified the sinking of the Lusitania in terms of a reprisal, because of British measures, but expressed regret for the loss of life. The last paragraph of the third proposal offered to pay an indemnity out of friendship. Count Bernstorff received these instructions on January 22 and redrafted the two proposals at once, submitting both of them to Secretary Lansing that night.⁵⁴

Secretary Lansing sent the two proposals to President Wilson on January 24 with the comment that neither of them were satisfactory, because there was no acknowledgement of liability. He suggested that the United States demand that Germany admit the illegality of the destruction of the Lusitania and acknowledge liability for the loss of life. If Germany refused, Lansing thought that the United States had no other recourse but to sever relations.⁵⁵ The President answered Lansing's letter the same day, saying that he agreed with the Secretary that the proposals would have to be rejected. Since Colonel House had requested that the United States postpone taking action against Germany until his letter, which was posted January 19, arrived in Washington, the President thought that they ought to await the arrival of the letter before breaking relations with Germany. He advised Lansing to tell Bernstorff that the proposals were unsatisfactory and the negotiations would be suspended unless Germany was willing to meet American demands.⁵⁶ On January 25, the President and Secretary of State agreed that Lansing should make preparations for terminating the negotiations but that Germany should be

given one more chance to yield. It was decided that the Secretary should await the President's return from his preparedness tour before taking any drastic action.⁵⁷

Bernstorff and Lansing met that afternoon to discuss the German proposals, and Lansing told the Ambassador that both of these were unacceptable, that Germany must admit that the sinking of the Lusitania as a reprisal was an illegal act. "While it might be justified in regard to enemies," the Secretary continued, "it could not be justified in regard to neutrals;...their rights were violated and ...the violation of rights imposed upon the German Government the liability of which the outward manifestation was the payment of a reasonable indemnity."⁵⁸ Bernstorff replied that Germany had offered to pay an indemnity and that a recognition of liability might be inferred from that act. The Secretary said that he did not interpret the memoranda in that manner; according to the language, the indemnity was offered out of friendship and not out of a recognition of liability. Lansing then told the German Ambassador that unless Germany complied with American demands, the negotiations would be terminated. Bernstorff seemed perturbed and hesitated a few moments before asking what would happen if Germany refused to accede to these harsh demands. Lansing said: "I see no other course, Mr. Ambassador, except to break off diplomatic relations." Bernstorff responded: "I do not see how the matter could stop with the breaking off of diplomatic relations. It would go further than that."⁵⁹ Lansing agreed that this was undoubtedly the case and said that he and the President would accept the responsibility. The Ambassador agreed to

revise the German memos and to return to discuss the matter on the following day, although he doubted that Germany would be willing to admit liability.⁶⁰

Bernstorff returned on the morning of January 26 with the revised memorandum which he presented to the Secretary of State. The note contained an admission of liability for the lives of Americans lost on the Lusitania, but did not acknowledge the illegality of the act of the submarine commander. Lansing said that the draft was not acceptable. Bernstorff asked what changes should be made and he and the Secretary discussed the subject at some length. Finally they agreed on a note to be sent to Berlin for approval. The draft contained the first paragraph of the revised third counterproposal, including the words "if Germany has not withstanding limited her submarine warfare this was done in view of her longstanding friendship with the United States," and substituted the following paragraphs:⁶¹

...and in view of the fact that the sinking of the Lusitania caused the death of citizens of the United States. Thereby the German retaliation affected neutrals, which was not the intention as retaliation becomes an illegal act if applied to other than enemy subjects.

The Imperial Government, having, subsequent to the event, issued to its naval officers the new instructions which are now prevailing, expresses profound regret that citizens of the United States suffered by the sinking of the Lusitania and, recognizing the illegality of causing their death, and admitting the liability therefore, offers to make reparation for the lives of the citizens of the United States who were lost by the payment of a suitable indemnity.

In the note of the American Government, July 21, concerning the Lusitania incident, the Government of the United States invited the practical cooperation of the Imperial German Government in contending for the principle of the freedom of the seas, and added that this great object could, in some way be accomplished before the present war ends. The Imperial Government will at all times gladly cooperate with the Government of the United States for the purpose of accomplishing this common great object.⁶²

Secretary Lansing telephoned President Wilson after the German Ambassador left him and read the draft proposal to him. After obtaining the President's approval, Lansing called Bernstorff to inform him of this fact.⁶³ Then the Secretary of State sent a full report to Ambassador Gerard and Colonel House, who was in Berlin.⁶⁴ Ambassador Bernstorff sent the "last chance" Lusitania memo to the Foreign Office along with a report of his conversation with Secretary of State Robert Lansing.⁶⁵

The Secretary of State then began to prepare the American people, who had been unaware of the situation, for a possible break in diplomatic relations with Germany.⁶⁶ A high official in the Wilson Administration (most probably this was Secretary Lansing)⁶⁷ told reporters on January 29 that the Lusitania negotiations had reached a critical stage. The United States had demanded that the German government admit liability for the act. The reporters believed that, if Germany did not accede to American demands, diplomatic relations would be severed with that state.⁶⁸ On the following day, the same high official told reporters that: "The situation is graver now than it has been for some time—and the country has a right to know."⁶⁹

Meanwhile the German government was deeply embroiled in discussions on the feasibility of resuming the submarine campaign in some form and the Chancellor concluded that, under the circumstances, he would have to reject the American demands. Foreign Office officials began to make preparations for such a policy both in Germany and among foreign diplomatic officials. The Under-Secretary for Foreign Affairs, Arthur Zimmermann, had lunch with Colonel House and Ambassador Gerard in hopes of easing the American pressure.⁷⁰

Zimmermann told the American officials that Germany would not accept the note sent by Ambassador Bernstorff. Count Bernstorff had already cabled that he knew that the note was unacceptable to his government, Zimmermann continued. The Under-Secretary was sure that the January 26 note could not be accepted, because of public opinion. He told Ambassador Gerard that, if the United States entered the war, Germany would be able effectively to blockade England with submarines—and Germany had plenty of new submarines. In his report of this meeting, Ambassador Gerard said that he thought that Bernstorff's note of January 26 could be accepted with modifications.⁷¹ Under-Secretary Zimmermann sent Colonel House a telegram later that day outlining specific objections to the January 26 note. Zimmermann added that, if the United States insisted on retaining the language of this note, a break in relations would occur, because neither the German government nor the German people could accept this. In reports to the State Department, both Colonel House and Ambassador Gerard clearly indicated that they agreed with the German government, that something less than an explicit acknowledgement of liability must suffice.⁷²

Secretary Lansing wrote President Wilson on January 31, that he was disturbed over the recent telegrams he had received from Ambassador Gerard. He wrote:

"I am very much afraid that Gerard, and possibly House, do not appreciate the real point at issue—namely, that the German Government should admit the wrongdoing of the submarine commander who torpedoed the vessel. I am also afraid that they had held out hopes to Zimmermann that a declaration such as is suggested would be acceptable to you. It shows the danger of attempting to negotiate at two ends of the line.⁷³

Lansing thought that he ought to send Gerard a message explaining the issues. President Wilson replied on February 2, advising him to "send message you suggest explaining the point at issue."⁷⁴

At some point in his preparedness tour, Wilson began to change his mind on the issue of the Lusitania negotiations. According to Arthur Link's analysis, in Wilson: Confusions and Crises, there were three main factors in the President's decision to change Administration policy at this point. The Administration had anticipated congressional indignation against Germany and against the Administration for failure to press American claims with sufficient energy. This indignation failed to materialize. Congressional criticism of Administration policies was focused on the failure to launch a vigorous protest against British violations of international law and the insistence on the right of Americans to travel on belligerent merchant vessels. Congress was apparently unconcerned over the fate of the Lusitania negotiation, as there had been no criticism of the fact that the case remained unsettled.

The second factor in Wilson's decision to modify his policies toward Germany was the overwhelming desire for peace on the part of the American people. Not only was there no sentiment for war, but there was no support for Wilson's modest program of preparedness. The country simply wanted to remain neutral.

The influence of his personal advisor, Colonel Edward Mandell House, was a decisive factor in Wilson's decision.⁷⁵ Colonel House cabled President Wilson January 30, requesting that the United States postpone breaking relations with Germany until he returned to the

United States. Unless this measure was delayed, House felt that the agreement with Sir Edward Grey for a peace proposal would be jeopardized.⁷⁶ Two of House's cables reached Wilson when he was in St. Louis in early February.⁷⁷ They contained the following explanation of German politics:

The situation is like this. A great controversy is going on in Germany regarding undersea warfare. The navy, backed more or less by the army, believe that Great Britain can be effectively blockaded, provided Germany can use their new and powerful submarines indiscriminately and not be hampered by any laws whatsoever. They also believe failure has resulted from our interference and Germany's endeavor to conform to our demands. They think war with us would not be so disastrous as Great Britain's blockade. The civil Government believe that if the blockade continues, they may be forced to yield to the navy; consequently they are unwilling to admit illegality of their undersea warfare. They will yield anything but this. If you insist upon that point, I believe war will follow. Gerard understands the question and I would suggest letting him try to arrange something satisfactory direct. I hope final action may not be taken until I have the opportunity of talking with you. This, I think, is of great importance, since there are phases of the situation that cannot be conveyed by cable or letter...⁷⁸

I doubt whether a crisis with Germany can long be avoided. The English ...blockade will make the demand imperative that an attempt be made to break it by the transcendent sea warfare. We will be compelled to sever relations and our position will be far better than if we do so over a nine months' old issue and largely upon the wording of a suitable apology. I think reference to the freedom of the seas in Bernstorff's proposed apology is unfortunate. It will irritate the Allies and give Germany hope where there is none. The rules of the sea cannot be changed during the war and it will be hurtful to all concerned to encourage such a delusion.⁷⁹

According to Professor Link, these cables served as a catalyst for the decision to alter the policy toward Germany. The President realized that, if the United States continued to press her demands, this might force the German Chancellor to decide in favor of the

submarine faction. Wilson telegraphed Secretary Lansing immediately, giving these instructions: "Please hold message suggested yesterday until I can see you or if it has been sent send word to await further instructions. Will explain when I reach Washington."⁸⁰ When the President arrived in Washington on the following day, February 4, he notified Secretary Lansing that he would talk to him the next day, but sent Colonel House's messages to him, explaining that they would indicate why he had sent the telegram of February 3. Wilson continued, "Do you not think that we could frame a handsome apology from Germany which we could accept without explicit disavowal, and leaving out reference to freedom of the seas. Bernstorff must see that nothing immediate can be done about that."⁸¹

Ambassador Johann von Bernstorff brought a revised version of the January 26 Lusitania note to the State Department on February 4. The January 31 entry in the diary of Admiral Georg von Müller, the Chief of the Naval Cabinet, gives some indication of the manner in which the note was received.

From Berlin I was informed of the shameless demand of the American Government in the 'Lusitania' matter. We should ourselves acknowledge the sinking of the 'Lusitania' as a 'disloyal act' and thereby—and that is naturally the heart of the matter—bind our hands for the future. In agreement with the Admiralty staff, Jagow has rejected this humiliation as quite unacceptable and has suggested a somewhat moderate statement to which the Emperor gave his approval. The Emperor was, he told me, quite wounded since he had meanwhile entirely forgotten that the 'Lusitania' affair was still hanging fire.⁸²

Foreign Secretary Gottlieb von Jagow made a couple of changes in Ambassador Bernstorff's January 26 memorandum. The sentence which

had read: "Thereby the German retaliation affected neutrals which was not the intention, as retaliation becomes an illegal act if applied to other than enemy subjects:" was changed to: "Thereby the German retaliation affected neutrals which was not the intention, as retaliation must not aim at other than enemy subjects." The following sentence was also changed: "The Imperial Government...expresses profound regret that the citizens of the United States suffered by the sinking of the Lusitania and, recognizing the illegality of causing their death, and admitting liability therefor, offers to make reparation..." In its altered form, it read as follows: "The Imperial German Government...expresses profound regret that citizens of the United States suffered by the sinking of the Lusitania, and assuming liability therefor, offers to make reparation..."⁸³

In presenting the memo to the American Secretary of State, Ambassador Bernstorff told him that it was "as far as his Government possibly could go in complying with our requests."⁸⁴ Secretary Lansing seemed pleased with the German note and wrote President Wilson that it appeared as though the two countries were nearing an agreement.

It comes so near meeting all our demands that I wish to study it with care to see if it cannot be considered acceptable.

Of course the word illegal and the word illegality are omitted, but if we do accept this settlement I believe we could state our understanding of the language in order to show in our acceptance that we consider there is a direct admission of wrong.⁸⁵

President Wilson and Secretary Lansing met on February 8 to discuss the German memo. After they had read it, it was then read to the

Cabinet when it met at 11:00 a.m. Wilson and Lansing informed the press, sometime later, that the two governments were in the process of settling the Lusitania case.⁸⁶ The German note, however, did not cover the original demands of the United States. The Wilson Administration had decided to retreat from the original position, because President Wilson did not want to sever relations with Germany, and because Congress would not tolerate a break over the Lusitania.⁸⁷

When Count Bernstorff met with Secretary Lansing in the late afternoon, on February 8, Lansing asked him if it would be possible to make a few changes in the memo. Specifically, Lansing requested that the phrase "recognizing its illegality" be substituted for "assuming its liability."⁸⁸ The Ambassador said that he would like to make the changes himself, "but that he had been so attacked by his enemies at home that he did not dare do so."⁸⁹ He went on to say that he would advise Berlin to make the changes and that he was confident that they would be made. Lansing, however, did not share the Ambassador's optimism.⁹⁰ Ambassador Bernstorff brought Secretary Lansing the revised Lusitania note on February 16.⁹¹ The German government made virtually all of the changes requested by Lansing. The Secretary felt that the note was acceptable, had Germany not announced, on February 10, that all armed merchantmen would be treated as auxiliary cruisers. The Secretary of State advised that the Lusitania note be rejected on these grounds.⁹² The President agreed with Lansing.

I have no hesitation in saying that, but for the recent announcement of the Central Powers as to the treatment to which they propose subjecting armed merchantmen and those which they presume to be armed, it would clearly be our duty in the circum-

stances to accept the accompanying note as satisfactory. But that announcement inevitably throws doubt upon the whole future, and makes it necessary that we should think the situation out afresh.⁹³

Lansing announced the decision to reject the Lusitania settlement to the press on that day, February 16.⁹⁴ Bernstorff returned to the State Department the following day at Lansing's request. The Secretary told Ambassador Bernstorff that the United States would not be able to accept the Lusitania note because of the armed ship declaration. He said that the United States was concerned with two facets of the submarine war: one was that Germany make amends for the conduct of the submarine war in the past, and the other was that Germany give assurances for the conduct of the submarine war in the future. Although the Lusitania note settled the issue of past grievances, the February 10 declaration reopened the question of future conduct.⁹⁵ The United States insisted that both issues be resolved at this time.

The German Ambassador, Count Bernstorff, was quite disappointed in the denouement of the Lusitania case as he recorded in My Three Years in America.

Fate, however, had decreed that I should play the rôle of Sisyphus⁹⁶ at Washington. Scarcely were the negotiations terminated when the German Government, on the 8th February, declared the so-called "ruthless submarine war," i.e. announced to the sea powers their intention of sinking armed merchantmen without warning and without regard to crew or passengers. In view of this the American Government refused to complete the exchange of letters on the subject of the Lusitania. Instead of this there began a new controversy on the question of "armed merchantmen". My hope of settling the Lusitania question and then passing on to the discussion of "Freedom of the Seas" was shattered. This hit me all the harder as I was convinced that the conversations on the latter question would have developed into peace negotiations.⁹⁷

The United States had invited Germany to co-operate with her in an effort to achieve freedom of the seas in the third Lusitania note of July 21, 1915.⁹⁸ Bernstorff later received instructions which said that Germany expected the United States to attempt to re-establish freedom of the seas along the lines of the Declaration of London and that Germany would co-operate in this regard. The destruction of the Arabic complicated German-American relations and discussions on freedom of the seas were postponed.⁹⁹ Bernstorff wanted to avoid negotiations over the Lusitania, because he felt that it would further strain German-American relations and might lead to war. He would have preferred to discuss the possibility of German-American co-operation in order to achieve freedom of the seas, because he felt that a discussion of common interests might lead to a peaceful resolution of German-American problems.¹⁰⁰

The Wilson Administration was satisfied to let the Lusitania case drift. The question of financial liability for the Lusitania was allowed to rest until the 1920's, when the United States presented the case to the German-American Claims Commission.¹⁰¹ The Mixed Claims Commission was established August 10, 1922 and consisted of Edwin B. Parker, Umpire; Chandler P. Anderson, American Commissioner; Wilhelm Kiesselbach, German Commissioner; Robert W. Bonyng, American Agent; and Karl von Lewinski, German Agent.¹⁰² The Commission found that Germany was obligated to pay the United States for all losses due to personal injury, death or from loss or damage to property incurred by American citizens as a result of the destruction of the Lusitania.¹⁰³ Claims presented by life insurance com-

panies for losses claimed as a result of their having to make payment, as specified by policies issued by the companies to insure the lives of those passengers travelling on the Lusitania, was denied by the Commission. The Commission ruled that the insurance companies claim was for a loss of property and that the claims involved the fulfillment of a contractual obligation which would have occurred at some point in time regardless of the actions of the German government. The insurance companies claimed that they lost money because of premature payment of benefits to the survivors. The Commission ruled that the Treaty of Berlin, which served as the basis for damage claims, did not provide for compensation to life insurance companies. The Treaty of Berlin allowed compensation to be awarded to individuals suffering losses as a direct result of the sinking of the Lusitania, which occurred because of German policies. The damages claimed by the life insurance companies were not directly attributed to the actions of the German government. "The accelerated maturity of the insurance contracts was not a natural and normal consequence of Germany's act in taking lives, and hence not attributable to that act as a proximate cause."¹⁰⁴

Many cases for damages arose out of the destruction of the Lusitania. One of the most interesting of these was the case of *Vanderbilt et al v. Travelers Insurance Company*. Alfred G. Vanderbilt was lost on board the Lusitania and his heirs sued the Travelers Life Insurance Company, because the company claimed that Vanderbilt's policy did not cover death resulting from an act of war. The heirs claimed that the insurance company ought to pay the premium, because

the sinking of the Lusitania was a violation of "common usages and acceptances of principles of enlightened nations, termed the laws of war." The Supreme Court of New York ruled in favor of the Traveler's Insurance Company, citing the opinion of Cornelius van Bynkershoek, an eighteenth-century Dutch jurist:

It would appear that adherence is given in the doctrine maintained by Bynkershoek in these instances; that everything done against the enemy is lawful; that he may be destroyed though unarmed and defenseless; that fraud, or even poison, may be employed against him; that the most unlimited right is acquired to his person and property, and that war admits to limitations or restraint which any nation is bound to respect in its dealings with the other.¹⁰⁵

This decision is an anachronism, because it was based on the opinions of an eighteenth-century jurist and a far more primitive legal tradition than the traditions that served as the basis for the German-American dispute during the war. The United States had been involved in lengthy negotiations with Germany for two years over the right of neutrals to travel in safety on the high seas and then had found it necessary in 1917 to declare war in 1917 to defend this right.

NOTES TO CHAPTER VI

- ¹ Smith, Lansing and American Neutrality, p. 108.
- ² Robert E. Osgood, Ideals and Self-Interest in America's Foreign Relations (Chicago: Univ. of Chicago Press, 1953), p. 162; H. Notter, Origins of the Foreign Policy of Woodrow Wilson (1937; rpt. New York: Russell & Russell, Inc., 1965), p. 467.
- ³ Lansing, War Memoirs, pp. 18-19.
- ⁴ Seymour, Intimate Papers of Colonel House, II, pp. 82-3.
- ⁵ Osgood, Ideals and Self-Interest in America's Foreign Relations, p. 183; Baker, Woodrow Wilson: Life and Letters, V, p. 74; Seymour, Intimate Papers of Colonel House, I, pp. 303-4.
- ⁶ House Diary, January 6, 1916, as quoted in Link, Wilson: Confusions and Crises, pp. 64-5.
- ⁷ Lansing, War Memoirs, pp. 19-21.
- ⁸ Ibid., p. 114.
- ⁹ Ibid., pp. 25-6.
- ¹⁰ Smith, Lansing and American Neutrality, p. 108. (See n. 2, p. 202.) Smith observes that Bernstorff misinterpreted Lansing's motives. He thought that Lansing merely wanted a money settlement. See Bernstorff, My Three Years in America, pp. 213-14.
- ¹¹ Ibid., pp. 212-15.
- ¹² Lansing Papers, I, pp. 485, Tentative Letter from the German Ambassador (Bernstorff) to the Secretary of State, New York, Oct. 2, 1915.
- ¹³ Ibid., pp. 488-9, Secretary of State to President Wilson, Nov. 2, 1916; Smith, Lansing and American Neutrality, p. 109.
- ¹⁴ Lansing Papers, I, pp. 489-90, Secretary of State to President Wilson, Nov. 11, 1915, enclosure, Formula proposed by the Secretary of State in the "Lusitania" case; Smith, Lansing and American

Neutrality, p. 109; Lansing, War Memoirs, pp. 146-7.

15 Lansing Papers, I, p. 490, President Wilson to the Secretary of State, Nov. 17, 1915.

16 Ibid., p. 491, Memorandum by the Secretary of State of an Interview with the German Ambassador (Bernstorff), Nov. 17, 1915; also see Smith, Lansing and American Neutrality, p. 109.

17 Lansing Papers, I, p. 491, Memorandum of the Secretary of State of an Interview with the German Ambassador (Bernstorff), Nov. 17, 1915; also see Bernstorff, My Three Years in America, pp. 213-15. Although Lansing felt that Congress might sever relations with Germany, neither Bernstorff nor Colonel House shared that view; Smith, Lansing and American Neutrality, p. 208, n. 7; also see Link, Wilson: Confusions and Crises, p. 61.

18 Ibid. (See n. 35.) Link says that in a report to Secretary Lansing on Oct. 30, 1915, Colonel House did not inform the Secretary of this portion of his conversation with Bernstorff. See Lansing Papers, I, pp. 487-8, Colonel E. M. House to the Secretary of State, Oct. 30, 1915.

19 Link, Wilson: Confusions and Crises, pp. 61-4.

20 Bernstorff, My Three Years in America, p. 213; Link, Wilson: Confusions and Crises, p. 64.

21 Lansing Papers, I, pp. 491-3, Secretary of State to President Wilson, Nov. 19, 1915; Link, Wilson: Confusions and Crises, p. 65; Smith, Lansing and American Neutrality, p. 110.

22 Link, Wilson: Confusions and Crises, p. 66, n. 49. Link says that Wilson was mistaken in this belief.

23 Lansing Papers, I, p. 493, President Wilson to the Secretary of State, Nov. 21, 1915; Link, Wilson: Confusions and Crises, pp. 65-6; Smith, Lansing and American Neutrality, p. 110.

24 Lansing, War Memoirs, p. 148.

25 Lansing Papers, I, p. 496, Secretary of State to the German Ambassador (Bernstorff), Nov. 24, 1915; Link, Wilson: Confusions and Crises, p. 64.

- 26 Lansing Papers, I, pp. 496-7, German Ambassador (Bernstorff) to the Secretary of State, Nov. 25, 1915.
- 27 Link, Wilson: Confusions and Crises, p. 64.
- 28 Ibid., pp. 66-7.
- 29 Ibid., p. 72; New York Times, 1 Jan. 1916, front page.
- 30 Lansing Papers, I, pp. 86-7, Memorandum by the Secretary of State of an interview with the German Ambassador (Bernstorff), December 1, 1915; Link, Wilson: Confusions and Crises, p. 73.
- 31 Bernstorff, My Three Years in America, pp. 215-18.
- 32 Ibid., pp. 218-19; the October 21, 1915 protest note is contained in United States Foreign Relations Supplement 1915, pp. 578-601, Secretary of State to the Ambassador in Great Britain (Page), Oct. 21, 1915.
- 33 Lansing Papers, I, p. 498, Secretary of State to the German Ambassador (Bernstorff), Dec. 15, 1915.
- 34 Link, Wilson: Confusions and Crises, p. 73.
- 35 Lansing Papers, I, pp. 511-12.
- 36 Imperial Chancellor to Count Bernstorff, Dec. 19, 1915, German Foreign Office Archives, as quoted in Link, Wilson: Confusions and Crises, p. 74.
- 37 Lansing Papers, I, pp. 514-15.
- 38 Link, Wilson: Confusions and Crises, p. 74.
- 39 Lansing Papers, I, p. 502, German Ambassador (Bernstorff) to the Secretary of State, Dec. 20, 1915, and Secretary of State to the German Ambassador (Bernstorff), Dec. 20, 1915.
- 40 United States Foreign Relations Supplement, pp. 648-9, German Embassy to the Department of State, Dec. 21, 1915.
- 41 Link, Wilson: Confusions and Crises, p. 75.

42 Ibid.

43 Lansing Papers, I, p. 511.

44 Link, Wilson: Confusions and Crises, p. 76.

45 Lansing Papers, I, pp. 510-11, Memorandum by the Secretary of State of a Conversation with the German Ambassador (Bernstorff), Dec. 31, 1915; Lansing was referring to the note contained in United States Foreign Relations Supplement 1915, pp. 644-6, Ambassador in Germany (Gerard) to the Secretary of State, Dec. 2, 1915; Link, Wilson: Struggle for Neutrality, p. 454. The William Frye was an American merchantman which was sunk by a German auxiliary cruiser on Jan. 28, 1915. The case included a discussion of German treatment of American shipping under the Prussian-American treaties of 1785 and 1799. Link, Wilson: Confusions and Crises, p. 76, n. 92, says that Lansing was misinterpreting the German note. "It referred specifically to American ships, not to merchant ships in general and certainly not to belligerent merchant ships."

46 Lansing Papers, I, p. 511, Memorandum by the Secretary of State of a Conversation with the German Ambassador (Bernstorff), Dec. 31, 1915.

47 Ibid.; Link, Wilson: Confusions and Crises, p. 76; also see Lansing, War Memoirs, p. 148.

48 Lansing Papers, I, p. 513, Secretary of State to President Wilson, Jan. 7, 1916; the instructions are in United States Foreign Relations Supplement 1915, p. 144, German Ambassador (Bernstorff) to the Secretary of State, handed to the Secretary by the Ambassador Jan. 7, 1916.

49 Lansing Papers, I, p. 513, Secretary of State to President Wilson, Jan. 7, 1916.

50 Ibid., pp. 515-16, President Wilson to the Secretary of State, Jan. 10, 1916.

51 Ibid., pp. 513-16; Link, Wilson: Confusions and Crises, p. 80; Lansing, War Memoirs, pp. 150-1.

52 Lansing Papers, I, p. 517, German Foreign Office to the German Embassy.

53 Ibid., pp. 516-17, Memorandum by the Secretary of State of a Conversation with the German Ambassador (Bernstorff), Jan. 10, 1916; Link, Wilson: Confusions and Crises, pp. 80-1.

54 Ibid., pp. 81-3; the drafts are contained in Lansing Papers, I, pp. 519-20, German Ambassador (Bernstorff) to the Secretary of State, Jan. 22, 1916.

55 Ibid., pp. 521-2, Secretary of State to President Wilson, Jan. 24, 1916; Lansing, War Memoirs, pp. 150-1; Smith, Lansing and American Neutrality, p. 121; Link, Wilson: Confusions and Crises, p. 83.

56 Lansing Papers, I, p. 522, President Wilson to the Secretary of State, Jan. 24, 1916.

57 Link, Wilson: Confusions and Crises, p. 83. President Wilson became convinced at some point in 1915 that the country's military defenses were inadequate and, in July 1915, he asked Secretary of War, Lindley M. Garrison, and Josephus Daniels, the Secretary of the Navy, to create programs which would insure the country's security. The navy recommended a modest five year building program which Wilson approved. The Secretary of War submitted a plan in October which recommended expanding the regular army from 108,008 men and officers to 141,707, with provisions for an expanded army reserve system. Ibid., pp. 15-18. The program encountered a great deal of opposition, much of it from the President's own party. In order to gain popular support for these programs, the President embarked on a campaign of speeches in late January, 1916. Ibid., pp. 45-6.

58 Lansing Papers, I, p. 523, Memorandum by the Secretary of State of a Conference with the German Ambassador (Bernstorff), Jan. 25, 1916.

59 Ibid., p. 524.

60 Ibid., pp. 524-5; Link, Wilson: Confusions and Crises, p. 84.

61 Ibid.

62 Lansing Papers, I, pp. 526-7, Secretary of State to the Ambassador in Germany (Gerard), Jan. 26, 1916; the July 21, 1915 American note is contained in United States Foreign Relations Supplement 1915, pp. 480-2, Secretary of State to the Ambassador in Germany (Gerard), July 21, 1915.

63 Lansing Papers, I, p. 525, Memorandum by the Secretary of State of a Conversation with the German Ambassador (Bernstorff), Jan. 26, 1916; Lansing, War Memoirs, p. 153.

64 Lansing Papers, I, pp. 525-7, The Secretary of State to the Ambassador in Germany (Gerard), Jan. 26, 1916; United States Foreign Relations Supplement 1915, p. 148, Ambassador in Germany (Gerard) to the Secretary of State, Jan. 21, 1915. Gerard reported that House was arriving in Berlin on the 25th.

65 Link, Wilson: Confusions and Crises, p. 85.

66 In addition, Lansing drafted a note demanding that Germany accept the American terms; the note was to be used in the event that the informal negotiations over the Lusitania were terminated. Lansing Papers, I, pp. 527-9, Draft Note from the Secretary of State to the German Ambassador (Bernstorff), Proposed in Case of Entire Failure of Informal Negotiations.

67 Link, Wilson: Confusions and Crises, p. 85.

68 New York Times, 29 Jan. 1916, front page.

69 Ibid., 30 Jan. 1916, front page; Link, Wilson: Confusions and Crises, p. 85.

70 Ibid., pp. 85-9.

71 United States Foreign Relations Supplement 1916, p. 153, Ambassador in Germany (Gerard) to the Secretary of State, Jan. 29, 1916; Link, Wilson: Confusions and Crises, p. 89.

72 United States Foreign Relations Supplement 1916, p. 154, Ambassador in Germany (Gerard) to the Secretary of State, Jan. 20, 1916; Link, Wilson: Confusions and Crises, pp. 89-90.

73 Lansing Papers, I, pp. 529-30, Secretary of State to the President, Washington, Jan. 31, 1916.

74 Ibid., p. 530, President Wilson to the Secretary of State, Kansas City, Mo., Feb. 2, 1916; Link, Wilson: Confusions and Crises, p. 90.

75 Ibid., pp. 90-2.

76 Charles Seymour, Intimate Papers of Colonel House (Boston: Houghton Mifflin Co., 1928), II, pp. 145-8, Colonel House to the President, Geneva, Switzerland, Jan. 30, 1916, Paris, Feb. 3, 1916 (see also pp. 133-4, Colonel House to the President, London, Jan. 16, 1916); Smith, Lansing and American Neutrality, pp. 120, 206, n. 76.

77 Link, Wilson: Confusions and Crises, p. 92.

78 Seymour, Intimate Papers of Colonel House, II, pp. 145-6, Geneva, Switzerland, Jan. 30, 1916; Link, Wilson: Confusions and Crises, pp. 92-3.

79 E. M. House to W. W., Feb. 2, 1916, Wilson Papers as quoted in Link, Wilson: Confusions and Crises, p. 93.

80 Lansing Papers, I, p. 530, President Wilson to the Secretary of State, Terre Haute, Ind., Feb. 3, 1916; Link, Wilson: Confusions and Crises, p. 93.

81 W. W. to R. Lansing, Feb. 4, 1916, Wilson as quoted in Link, Wilson: Confusions and Crises, p. 93.

82 W. Görlitz (ed.), Regierte der Kaiser, p. 151, entry for Jan. 31, 1916 as quoted in Link, Wilson: Confusions and Crises, pp. 93-4; Görlitz, Kaiser and His Court, p. 131.

83 Link, Wilson: Confusions and Crises, p. 94; United States Foreign Relations Supplement 1916, p. 157, German Ambassador (Bernstorff) to the Secretary of State, Feb. 4, 1916.

84 Lansing Papers, I, pp. 530-31, Secretary of State to President Wilson, Feb. 4, 1916.

85 Ibid., p. 531.

86 Link, Wilson: Confusions and Crises, p. 97; New York Times, 6 Feb. 1916, front page; ibid., 7 Feb. 1916, front page; ibid., 9 Feb. 1916, front page.

87 Link, Wilson: Confusions and Crises, p. 97.

88 Ibid., p. 98.

89 Lansing Papers, I, p. 531, Secretary of State to President Wilson, Feb. 8, 1916.

90 Ibid.

91 Link, Wilson: Confusions and Crises, p. 98; the note is contained in United States Foreign Relations Supplement 1916, pp. 171-2, German Ambassador (Bernstorff) to the Secretary of State, Feb. 16, 1916.

92 Lansing Papers, I, pp. 531-2, Secretary of State to President Wilson, Feb. 16, 1916; Lansing, War Memoirs, p. 155.

93 Lansing Papers, I, pp. 532-3, President Wilson to the Secretary of State, Feb. 16, 1916.

94 Link, Wilson: Confusions and Crises, p. 99; New York Times, 17 Feb. 1916, front page.

95 United States Foreign Relations Supplement 1916, p. 172, Memorandum of the Secretary of State of a Conversation with the German Ambassador (Bernstorff), Feb. 17, 1916; Lansing, War Memoirs, pp. 155-6.

96 Sisyphus was the King of Corinth in Greek mythology who was punished in Hades by being made repeatedly to roll a huge stone up a hill. The stone always rolled back down the hill when he rolled it to the top of the hill.

97 Bernstorff, My Three Years in America, p. 222.

98 United States Foreign Relations Supplement 1915, Secretary of State to the Ambassador in Germany (Gerard), July 21, 1915.

99 Link, Wilson: Struggle for Neutrality, pp. 581-2; Bernstorff, My Three Years in America, pp. 172-3.

100 Ibid., pp. 166-7, 219-23.

101 Link, Wilson: Confusions and Crises, p. 100.

102 Edwin B. Parker, Umpire, "Mixed Claims Commission--United States and Germany, Mackenzie v. Germany," American Journal of International Law, 20 (1926), p. 595, note.

103 Edwin B. Parker, Umpire, "Mixed Claims Commission, United States and Germany--Opinion in the Lusitania Cases," American Journal of International Law, 18 (1924), p. 361.

¹⁰⁴ Edwin B. Parker, Umpire, "Judicial Decisions Involving Questions of International Law--Mixed Claims Commission--United States and Germany--Decision in Life Insurance Claims," American Journal of International Law, 19 (1925), pp. 604-5. For other articles on the Mixed Claims Commission, see Edward M. Borchard, "Opinions of the Mixed Claims Commission--United States and Germany (Part II)," American Journal of International Law, 20 (1921), pp. 69-80; Edward M. Borchard, Editorial Comment, "The Opinions of the Mixed Claims Commission, United States and Germany," American Journal of International Law, 19 (1925), pp. 133-43; Edwin B. Parker, "Opinion Dealing With Claims of American Nationals for Damages Growing Out of the Deaths of Aliens," American Journal of International Law, 19 (1925), pp. 630-33.

¹⁰⁵ Vanderbilt et al v. Traveler's Insurance Company, Vol. 112 Miscellaneous Reporter, p. 250; Cornelius van Bynkershoek, Quaestionum Juris Publici Libri Duo, ed. James Brown Scott, trans. by Tenny Frank (Oxford: At the Clarendon Press, 1930), II, p. 16.

CHAPTER VII

THE TIRPITZ CRISIS, THE MARCH 4, 1916 CONFERENCE

The rapid succession of events occurring in Germany in the winter of 1915-1916 led to the adoption of the February 10, 1916 armed ship declaration. The fluid political situation within the German government had shifted in favor of the resumption of the submarine campaign. This was caused by the fact that the Chief of the General Staff, General Erich von Falkenhayn, and Admiral Henning von Holtzendorff, the Chief of the Admiralty Staff, reversed their stand on the submarine question because the military situation had changed. General von Falkenhayn had been one of Chancellor Bethmann Hollweg's staunchest supporters during the discussions over the Lusitania and Arabic crises. On those occasions, General Falkenhayn argued effectively that the entry of the United States into the war as a result of submarine warfare would be disastrous for Germany. The basis for his rationale, however, was the military situation and the fear that other European neutrals might enter the war against Germany if the United States did so.¹ One of the reasons that Falkenhayn had insisted that concessions be made to the United States in the Arabic crisis was the precarious situation in the Balkans. Germany was on the verge of concluding a military agreement with Bulgaria and it was feared that, if the United States entered the war, the negotiations with Bulgaria would fail. The Arabic crisis impeded these

negotiations and Bulgaria signed the agreement as soon as the crisis subsided. The highly anticipated campaign against Serbia was made possible because Bulgaria joined the Central Powers. The defeat of Serbia in the fall of 1915 caused both General von Falkenhayn and Admiral Holtzendorff to reassess their positions on submarine warfare. The military situation, in addition to the pressure exerted by the High Sea Fleet Command and the Admiralty Staff, caused Admiral von Holtzendorff to reconsider the resumption of the commercial submarine campaign. On October 27, 1915, Holtzendorff wrote a letter to Foreign Secretary Gottlieb von Jagow, demanding that submarine warfare be renewed as soon as possible under the previous rules. The Foreign Office refused to consider the possibility. The Chancellor felt that such a campaign would violate the assurances given to the United States.²

General Falkenhayn's conception of the entire war changed during the winter of 1915. This was a gradual change which took place over a period of several months and was the result of his conception of the military and political prospects for the Central Powers. From the beginning of the war, in 1914 up until the summer of 1915, Falkenhayn was fairly optimistic about the war and had encouraged peace efforts on the part of the diplomatic corps. During the fall and winter of 1915, he began to see the war as a struggle for existence and he felt that the only way to win the war was to break the power of the Entente Powers, especially Britain, and the support of their civilian populations. Because of the effects of the British blockade, the Chief of the General Staff thought that the war had to

be terminated by the end of 1916. He thought that Germany's resources were inadequate for the winter of 1916-1917. Also there was the possibility that the civilian population might not be able to withstand a long war. Toward the end of 1915, Falkenhayn formed the opinion that the war could not be ended solely by land operations before the winter of 1916-1917, despite the successes in the East and South-east in 1915. Though Falkenhayn did not mention the attack on Verdun as a reason for supporting the U-boat campaign at this time, it must have influenced his thinking.³

Falkenhayn had previously thought that the advantages of a submarine war did not outweigh the disadvantages of war with the United States. The Foreign Office had assured him that submarine warfare, which did not take into consideration the American attitude, would lead to war with that country. For some reason, these judgments were no longer a factor in Falkenhayn's opinions.⁴ Serbia's defeat caused him to conclude that an American declaration of war was no longer something to be feared.⁵ Also the Admirals did their utmost to convince Falkenhayn that a commercial submarine war would be effective. This led the General to conclude that, if submarine warfare could force Britain to sue for peace in a few months, American entry would be inconsequential, because her assistance would arrive too late to save Britain. Thus he concluded that ruthless submarine warfare would have to be implemented if the war was to be ended during 1916. These opinions evolved during late December, 1915, and Falkenhayn's conversion to the submarine faction did not occur until the December 30 conference with the naval leaders.⁶

General Falkenhayn requested a conference of naval and military leaders to discuss submarine warfare in late December. The December 30 conference was attended by Falkenhayn; Admiral Holtzendorff; the Naval Secretary, the Grand Admiral Alfred von Tirpitz; Vice Admiral Rheinhard Koch, Deputy Chief of the Admiralty; and General Adolf Wild von Hohenborn, the Prussian Minister of War. The Chief of the General Staff opened the meeting by saying that, although he had been against risking a break in diplomatic relations with the United States during the previous summer because of the military situation in the Balkans and Turkey, this situation had improved because of the defeat of Serbia, and consequently a break with the United States was no longer a threat to Germany. From a military standpoint, Falkenhayn continued, the United States would pose no more of a threat to Germany as a belligerent than she was as a "neutral." Hence, the General no longer objected to unrestricted submarine warfare. He asked the admirals if the advantages of unrestricted submarine warfare would justify a breach with America, and if Germany would be able to force Britain to sue for peace by the end of 1916 by this measure. Both Holtzendorff and Tirpitz assured him that England would be defeated before the end of the year, provided that unrestricted submarine warfare commenced in the near future. The Grand Admiral launched into an emotional diatribe, saying that American belligerency meant nothing. General Wild von Hohenborn agreed with him. Admiral Holtzendorff cautioned that a break with the United States should be avoided, because the political consequences were undesirable. However, Holtzendorff went on to say that these risks had to be compared with the likelihood

that submarine warfare was the only means of ending the war satisfactorily within a reasonable time. He said that he preferred the risk of an unlimited submarine campaign.⁷ The military and naval authorities came to these conclusions at the conference:

- (1) that there were no military obstacles to the resumption of U-boat warfare,
- (2) that an unrestricted submarine war could be expected to inflict such damage on Great Britain that she would be inclined to make peace by the end of 1916, and
- (3) that the U-boat war could be commenced at the beginning of March 1916 with a force sufficient to ensure complete success.⁸

The admirals made the consensus of the conference the basis of an attempt to make the submarine fleet more active and sought to use these ideas in a campaign to break the resistance of the Foreign Office to the commencement of unrestricted submarine warfare on March 1. The admirals resolved to seek the support of the Kaiser in this regard only as a last resort—that is, if all other means failed to convert the Foreign Office to their point of view.⁹

General Falkenhayn's support for the submarine campaign was assured.¹⁰ He spoke with Bethmann Hollweg immediately after the December 30 conference, stating many of the same convictions that he had advanced during the meeting with the naval leaders. He told the Chancellor that he thought that the submarine war against Britain should be resumed. Bethmann said that that would cause a break with the United States. Falkenhayn responded with the opinion that he had wanted to avoid this last summer because of the Balkan situation. Since Bulgaria had joined the Central Powers, he continued, the United States could not harm Germany. Germany would be able to

overcome the disadvantages of a break with the United States, Falkenhayn asserted.¹¹

Although Falkenhayn was impervious to the arguments advanced by Foreign Office officials, he still harbored doubts about the capability of the U-boat. Admiral Tirpitz sought to dispel these doubts in several meetings with the General during January, 1916.¹² Gerhard Ritter is highly critical of Falkenhayn's lack of skepticism of the claims of the naval leaders in regard to the U-boat campaign, thus casting doubt on his ability as a military leader.

Once he had been skeptical of the information given him by the navy; but now, ever since the war ministry talks in early January with Tirpitz and Holtzendorff, he had become credulous and uncritical, allowing himself to be impressed by navy figures and speculations about Britain's shipping losses and economic plight. Strictly respecting navy jurisdiction, he asked few questions even when he was presented with the most implausible data on German U-boats supposedly available against Britain. He accepted them without a murmur.¹³

During the conferences which ensued between military and civilian leaders, the Chancellor made known his opposition to the movement for unrestricted submarine warfare. Bethmann defined his position in a conference with Admiral Holtzendorff on January 8, 1916. He did not oppose unrestricted submarine warfare, but felt that it ought to be delayed and used only if all other means of securing an honorable peace failed. However, if Germany embarked on this submarine campaign and it failed, he felt that this would be the end of Germany. "Den U-Bootskrieg sehe er als ultima ratio an; er stelle eine solche Herausforderung dar, dass er, wenn er mit einem Misserfolg ende, finis Germaniae bedeute."¹⁴ The Chancellor was certain that the United States

and other neutrals would enter the war on the Entente side if Germany instituted unrestricted submarine warfare. At this point, Bethmann Hollweg began to advance the policy of delaying a final decision on unrestricted submarine warfare, and this was to be the focus of his submarine policy for the coming months. In view of Falkenhayn's decision to support unlimited U-boat warfare, the Chancellor thought that this diminished the possibility of success for his policy of postponement.¹⁵

Bethmann met with Admiral Georg Alexander von Müller, the Chief of the Naval Cabinet, on January 11, 1916. During the course of the conversation, the Chancellor told him that renewed submarine warfare would cause the entire civilized world to turn against Germany. He thought that there was much hatred for "the gambler Falkenhayn." On the following day, he confided in Müller that Germany possessed an insufficient number of submarines for the proposed campaign. "Bethmann envisaged the remaining neutrals united against us as the 'mad dog' among the peoples of the world. That would mean the end of Germany."¹⁶

Meanwhile, Admiral Henning von Holtzendorff had several meetings with the Kaiser in January in order to secure his approval for the submarine campaign. At Bellevue Castle, on January 15, Holtzendorff told the Kaiser that unrestricted submarine warfare would force Britain to sue for peace in six or seven months. The Kaiser was hesitant.

His Majesty took the humane standpoint that the drowning of innocent passengers was an idea that appalled him. He also bore a responsibility before God for the manner of waging a war. On the other hand he must ask himself: could he go against the counsel of his military advisers, and from humane considera-

tions prolong the war at the cost of so many brave men who were defending their Fatherland? He was faced with the most difficult decision of his life. It was all very well Falkenhayn talking: he could not overlook the political consequences, and underestimate the effects of a hostile America.¹⁷

The Kaiser decided to compromise. The navy would have to find a way to spare neutral shipping. Admiral von Müller was directed to inform the Chancellor that he was to make diplomatic preparations for the beginning of the submarine campaign on March 1.¹⁸ This was to be the advent of unrestricted submarine warfare.¹⁹

Although the differences of opinion between the civilian and military authorities on unrestricted submarine warfare remained unresolved in January, 1916, they did agree to a campaign against armed merchantmen.²⁰ The decision to adopt the armed ship declaration was made at the height of the second Lusitania crisis. The February 10, 1916, decree stated that armed enemy merchant vessels would be subject to attack without warning. The attitude of General Falkenhayn and Admiral Holtzendorff concerning submarine warfare had caused the Foreign Office to agree to the armed ship declaration as a compromise. The Chancellor was confronted with the possibility that these two men might force a decision for unrestricted submarine warfare.²¹ Also there were powerful elements in the Reichstag which called for unrestricted submarine warfare.²²

Lieutenant Max Valentiner of the U-38 had captured the armed British steamer the Woodfield on November 3, 1915. The Woodfield was carrying secret instructions issued by the British Admiralty on methods of attack to be used against submarines.²³ In addition, the Commander of the submarine flotilla at Pola, Captain Kophamel, sent

a report to the German Admiralty on January 15, advising that submarines be allowed to attack armed merchant vessels without warning in the Mediterranean.²⁴ For these reasons, the German Admiralty felt that attack without warning against armed merchant vessels was justified in all waters.²⁵ Moreover, the Reichstag began to discuss such controversial issues as the Baralong incident²⁶ and the renewal of the Lusitania negotiations.²⁷ Therefore, the subject of attacks of armed merchantmen on submarines was a highly sensitive one in the winter of 1915-1916. The February 10 armed ship declaration listed the captured documents on the Woodfield as one of the reasons for the declaration.²⁸ The armed ship declaration was a surprise to both Admiral von Tirpitz and the new Chief of the High Sea Fleet, Admiral Rheinhold Scheer,²⁹ who were not included in the conferences which led to this decision. Neither of the Admirals were in favor of this limited measure.³⁰

Unrestricted submarine warfare was still scheduled to begin on March 1.³¹ Admiral Holtzendorff had secured the Kaiser's consent for this campaign at a conference on January 24. The Chancellor was not informed of Holtzendorff's intentions to secure approval for the campaign until shortly before the Admiral's conference with Kaiser Wilhelm II. Bethmann Hollweg made no objections at this time. Birnbaum speculates that the Chancellor hoped to postpone the implementation of the unrestricted U-boat war with the limited campaign against armed enemy merchantmen. In any event, the Foreign Office had no opportunity to deal with the problem until after the conference. Hence the decision was made without any consideration for the

warnings from the Foreign Secretary von Jagow and his colleagues of the consequences this would entail for American policies.³² Regardless of the Chancellor's plans for the campaign against armed merchantmen, it served to give new impetus to the advocates of unrestricted submarine warfare. The supporters for unlimited U-boat warfare pressured the Chancellor to defend his policies. Why was a limited campaign possible, and an unrestricted submarine war not? they demanded.³³

It was apparent in early 1916 that the civil and military leaders were firmly divided on the question of unrestricted submarine warfare. The Chancellor and the Foreign Office were confronted with the fact that the major military and naval leaders were convinced that this was an effective means of ending the war. Although the military leaders were not necessarily working together in this regard, and some of these individuals had doubts about the feasibility of the submarine campaign, they formed a formidable opposition to the Chancellor's policies. Gerhard Ritter reports that Admiral Müller and Admiral Eduard von Capelle, the Undersecretary for Naval Affairs, were inclined to be cautious on the U-boat issue. Also, Admiral Holtzendorff "was not as sure of himself as he pretended to be" and the Prussian Minister of War, Wild von Hohenborn "vacillated in his judgment."³⁴ On the other hand, Karl E. Birnbaum counted Admiral von Müller among the Chancellor's supporters. And Admiral Holtzendorff is seen as being slightly more flexible on the unrestricted submarine warfare issue than his colleagues.³⁵ Nevertheless the Chancellor was faced with the fact that three prominent military

figures, Admiral Holtzendorff, Admiral von Tirpitz, and General Falkenhayn, were at the forefront of the unrestricted submarine warfare movement.³⁶ Each of these men worked for advent of submarine warfare in his own way. Admiral Tirpitz used all of his political and social contacts and conducted propaganda campaigns through the newspapers.³⁷ After Falkenhayn declared his support for the campaign, Tirpitz arranged for a meeting with the Kaiser to discuss submarine warfare. The Grand Admiral approached the throne cautiously, aware of the fact that his influence with the Kaiser had been diminished and that his opponents' sympathizers now surrounded Wilhelm II. Consequently, Tirpitz did not pressure the Kaiser for a decision. He did point out, however, that the navy was virtually united in its support for unrestricted submarine warfare and that a decision could not be delayed.³⁸ In his Memoirs, Tirpitz observed: "The Emperor must come to a decision."³⁹ General Falkenhayn resolved to bring about a decision in favor of unrestricted submarine warfare through the use of his personal influence with the Kaiser. He decided on this course of action in mid-February, 1916. Falkenhayn's decision was based on his opinion that the war could not be won by land operations alone and the observation that Great Britain intended to fight to the bitter end. The General wrote to the Chancellor, Bethmann Hollweg, on February 13, 1916, insisting that the military leaders had to use unrestricted submarine warfare, because of the present military situation and "that the political authorities, therefore, were not justified in trying to prevent it."⁴⁰ Admiral Holtzendorff sought to precipitate a decision in favor of unrestricted submarine warfare through the use of memo-

randa and conferences with civilian and military authorities.

The Chief of the Admiralty Staff met with Kaiser Wilhelm II on February 18, 1916, in order to discuss the submarine question. Admiral Holtzendorff demanded that the Foreign Office make decisive and more rapid preparations for the beginning of the submarine campaign. He brought with him the orders for the U-boat captains for the campaign; however, it was left undated. Admiral Müller recorded that: "His Majesty was in a 'courageous' mood and agreed to everything."⁴¹ The Kaiser told Admiral Holtzendorff to come to an agreement with the Foreign Office on the submarine issue as soon as possible.⁴²

On the next day, Holtzendorff sent Bethmann a memorandum which had been drafted by the Admiralty Staff; it contained the advantages of unrestricted submarine warfare. The memorandum was entitled Die Englische Wirtschaft und der U-Bootskrieg,⁴³ and it was accompanied by tables and graphs on the British economy and shipping. The Chief of the Admiralty Staff had determined that renewed submarine warfare under the old rules would not be sufficient to compel Britain to sue for peace and would, therefore, not offset the adverse reaction of neutrals to such a campaign. Holtzendorff concluded that England could be destroyed "only when all traffic to and from England is threatened with destruction on account of the submarine war, and all imports are suppressed to the utmost."⁴⁴ Unrestricted submarine warfare would force Britain to make peace inside of six months. An American declaration of war would not make any difference, because the United States did not possess sufficient shipping to aid Britain, the memorandum concluded.⁴⁵

In an effort to reach an agreement on the submarine question, the Chancellor invited Admiral Holtzendorff, the Undersecretary for Foreign Affairs, Arthur Zimmermann, and Foreign Secretary Gottlieb von Jagow to meet with him on February 22 at the Chancellor's palace. General von Falkenhayn was unable to attend, probably because he was occupied with the beginning of the assault on the French fortress of Verdun. No agreement was reached at the meeting, for Admiral Holtzendorff passionately defended his opinions. The consensus was that the Kaiser would have to decide the issue. The Chief of the Admiralty Staff subsequently refused to furnish the Chancellor with figures on U-boats available for the impending campaign. He said that he would take the responsibility for the accuracy of the conclusions of the February 19 memorandum on unrestricted submarine warfare.⁴⁶

The Chancellor began to prepare his position for the conference with the Kaiser, which was to decide the unrestricted submarine warfare issue. His February 29 memorandum is acknowledged by historians to be one of the most important documents of the war.⁴⁷ The memo was succinctly written and well documented; it was undoubtedly based in part on a paper prepared by the Foreign Office's legal expert, Dr. Johannes Kriege.⁴⁸ Bethmann challenged the Admiralty Staff claim that Britain could be blockaded with a few submarines.⁴⁹ In addition, he said that, if Germany declared unrestricted submarine warfare, the United States would certainly enter the war against her. General Falkenhayn's contention that Austria-Hungary would not be able to last beyond 1916 and his belief that the war must, therefore, be ended before then, was disputed. The Chancellor claimed that Admiralty

Staff figures regarding the amount of British cargo space that could be reduced by unrestricted submarine warfare was unrealistic. He maintained that the campaign would not be able to inflict enough damage on British shipping to cause Britain to sue for peace before the end of 1916. Britain would be able to hold out longer than that, the Chancellor asserted.⁵⁰ The United States would enter the war on the Entente side as a result of the campaign. President Wilson's position on the armed ship question had indicated this. An American declaration of war would give France and Russia new hope and would mean that the United States would no longer oppose British blockade policies; moreover, it would demoralize the Central Powers and their civilian populations. There would be financial and military consequences of American intervention as well. The United States would no longer send supplies to Belgium; however, she would extend credit and send war materials to the Entente Powers and transport several hundred thousand volunteers to the Western Front. The smaller European neutrals, such as Rumania, Holland and Denmark, might also enter the war against Germany as the result of American participation. In any event, these countries might be forced to end all exports to Germany because of British pressure.⁵¹ Bethmann argued against the use of unrestricted submarine warfare, because the possibility for success was uncertain. And he felt that an acceptable peace might be achieved through negotiation; he was certain that the proposed submarine campaign would eliminate this possibility.⁵² The last portion of the Chancellor's memorandum listed four alternatives to unrestricted submarine warfare; any of these options could be used

without causing a rupture with the United States.

First. A campaign against maritime commerce on all the seas conducted according to the rules of cruiser warfare. This carried no risks whatever.

Second. Mine warfare around enemy coasts. This was legal and feasible.

Third. Unrestricted submarine operations against armed enemy ships on all the seas. Wilson's latest pronouncements indicated that the American government would not accept the German view on armed ships, but it seemed doubtful that America would go to war over them, provided the Germans could in every case prove that vessels destroyed had actually been armed. However, it was absolutely essential to avoid sinking passenger ships, since another Lusitania incident would surely cause a break with the United States.

Fourth. Unrestricted submarine warfare against unarmed enemy freighters in the war zone surrounding the British Isles. This might lead to complications with the United States because American sailors often took service on Allied ships. But the American government had never demanded any guarantees for the safety of ordinary freighters, and it seemed unlikely that it would make such a demand.⁵³

Thus Bethmann attempted to find a compromise for the submarine issue.

He sent the memorandum to Admiral Holtzendorff on February 29 with the admonition that, if the upcoming decision was not in his favor, he would refuse to take the responsibility.⁵⁴

The Chancellor went to Grosses Hauptquartier at Charleville, France on March 2 in preparation for the council which was to decide the issue of unrestricted submarine warfare. He presented the Kaiser with his memorandum of February 29.⁵⁵ Admiral von Müller described the mood of the principal figures of that council in his diary and has recorded the following sketch.

Last night at dinner the arrival of the Chancellor and Holtzendorff was announced for today. His Majesty was obviously ill at ease, probably because he now thinks that he will be faced with making a final decision on unrestricted U-boat warfare.

Treutler⁵⁶ had previously given me a memo from the Chancellor in which he rejects the use of this method as fatal for us. He

expresses his doubts as to the success claimed by the Navy (the forcing of England to capitulate within 6 to 8 weeks) and considers war with America, Holland, Denmark and Roumania as inevitable, and the collapse of our allies as probable, for the latter could not hold out until England has been brought to her knees.

Today there will be discussions with Falkenhayn, and if possible we must find a way to save the Kaiser from being faced with the difficult decision of choosing between the Chancellor or Falkenhayn and Holtzendorff.

At midday Bethmann and Holtzendorff arrived. I parleyed with Holtzendorff on the U-boat question and suggested that he should come to a compromise with the Chancellor, which he maintained was his earnest desire. He shared Bethmann's indignation at the Press's anti-government agitation for a U-boat campaign, and the sinister rôle played in this issue by the Navy Office.

This afternoon at 6 o'clock I was with the Chancellor at his summons. He was very nervous, smoked cigarette after cigarette and kept moving from one chair to the other. He is determined to avoid a break with America and almost as much determined to dismiss anyone who opposes his decisions.

I tried to pacify him by saying that Holtzendorff would spare no effort to reach a compromise, i.e., to waive temporarily the U-boat campaign and await the results of treating armed merchantmen as warships while America works out the diplomatic details.⁵⁷

Bethmann met with the Kaiser on the following day and the Chancellor told Admiral Müller as he left: "The Kaiser has entirely approved the text of my memorandum." Müller noted that His Majesty was in excellent spirits after his meeting with the Chancellor.⁵⁸ Later that afternoon Bethmann talked with General Falkenhayn and Admiral Holtzendorff, and although the three men were unable to reach a compromise, Admiral Holtzendorff said that he thought that it was necessary to avoid breaking relations with the United States. General Falkenhayn held fast to his opinions on unrestricted submarine warfare.⁵⁹ The Chancellor defended his position on the issue and would only agree to send a note to the United States insisting that Germany "was compelled to 'hot up' the war against England with

U-boats."⁶⁰

General Falkenhayn spoke with the Kaiser on the morning of March 4 prior to the decisive council and consequently, the Kaiser became sympathetic to the General's position on the U-boat question.⁶¹ The imperial conference on unrestricted submarine warfare was held that evening. The Chancellor; Admiral Holtzendorff; General Falkenhayn; Admiral Müller; General Moriz von Lyncker, the Chief of the Military Cabinet; and General Hans von Plessen, Adjutant-General to the Kaiser, attended; and the Kaiser presided over the conference.⁶² Admiral von Tirpitz and General Wild von Hohenborn were conspicuously absent.⁶³ General Falkenhayn and Admirals Holtzendorff and von Müller had discussed whether or not Tirpitz should be invited to discuss the submarine question. The Chief of the Naval Staff asked General Falkenhayn if he thought Tirpitz' presence was necessary, and Falkenhayn, who knew the Naval Secretary's position on the issues at hand, said no. Admiral von Müller observed that Falkenhayn could have expected some support from Tirpitz. The Kaiser ruled that Tirpitz would not be invited.⁶⁴ Ernest R. May says that the Chancellor and Admiral von Müller were responsible for Tirpitz' exclusion.⁶⁵

According to Admiral Müller, the Kaiser conducted the conference "with great tact."⁶⁶ The Kaiser began the conference by reviewing the situation. He said that the possibility that the United States might break relations with Germany and other neutrals might enter the war on the Entente side was a very serious matter; the existence of Germany was at stake. Everyone agreed, he continued, that Germany must win the war during 1916; consequently, unrestricted submarine

warfare must begin by April 1.⁶⁷ In the meantime the Foreign Office must prepare the United States and other neutral nations so that the submarine campaign could be utilized without causing these countries to break relations with Germany.⁶⁸ From the accounts of Gerhard Ritter and Arthur Link, Admiral Holtzendorff and General Falkenhayn were not as adept at defending their ideas as was the Chancellor. When the Kaiser asked Admiral Holtzendorff for figures on the number of U-boats available for the projected campaign, he became evasive and made the assertion that unrestricted submarine warfare would defeat England in six to eight months.⁶⁹ General Falkenhayn argued in favor of unrestricted submarine warfare as a means of defeating Britain.⁷⁰ No new ideas were advanced during the conference with the principal members, Falkenhayn, Holtzendorff and the Chancellor defending their positions. The Chancellor repeated his ideas as set forth in the February 29 memorandum; however, his speech was sprinkled with references to Frederick the Great and the Seven Years War, which, according to Admiral Müller, impressed the Kaiser.⁷¹ Bethmann said that he would make diplomatic preparations in neutral countries for unrestricted submarine warfare on April 1, but stressed that the time was short and that he would not guarantee success.⁷² However, Germany would be faced with the same problem on April 1--that is, whether or not to cause a break with the United States by launching an unrestricted U-boat campaign. Bethmann said that he would not take the responsibility for this policy; thus he threatened to resign if the Kaiser followed the advice of the naval and military leaders.⁷³ Gerhard Ritter writes that the Chancellor demonstrated all of his powers of

persuasion and effectively refuted General von Falkenhayn's opinions.⁷⁴

The Kaiser adjourned the conference without establishing its results, which caused confusion for the other participants of the conference. Admiral Holtzendorff was under the impression that unrestricted submarine warfare would begin on April 1, 1916.⁷⁵ The Chancellor and the Foreign Office insisted that the Kaiser had decided that the issue of unrestricted submarine warfare would be discussed again on April 1 and that the submarine campaign against armed merchantmen would proceed as planned.⁷⁶ Karl E. Birnbaum makes the following observation on the subject:

From the strictly formal point of view the opinion of the Admiralty Staff was correct, for the obscurity caused by the Kaiser's failure to confirm the results of the conference made such an interpretation possible. But in reality there is no doubt that Bethmann Hollweg's view was the right one.⁷⁷

When Admiral Holtzendorff confronted the Chancellor with his interpretation of the results of the conference, Bethmann replied that Germany did not have enough U-boats to defeat Britain; and that, if the submarine campaign were implemented, it would cause a break with the United States which would increase the British resolve to fight.⁷⁸ Later, the Chancellor and Admiral Müller drafted this summary of the Kaiser's decision:

1. The immediate announcement of an unlimited submarining campaign is rejected.
2. During the month of March the ground with America and the European neutrals will be explored with the aim of making possible the beginning of an unlimited submarine campaign on April 1, thus avoiding a break with America.
3. His Majesty reserves to himself the decision whether and actually when all-out submarine warfare is to begin.⁷⁹

The results of the conference had clearly been in favor of the Chancellor, for the Kaiser had accepted his policies and had postponed the unrestricted submarine campaign as Bethmann had requested.⁸⁰

After the conference, Bethmann moved to eliminate his major adversary, Admiral Tirpitz.⁸¹ The Chancellor worked closely with Admiral Müller⁸² and he received the encouragement of his colleagues in the Foreign Office⁸³ in this regard. The Chancellor sought to have Tirpitz removed from office by showing the Kaiser some of the propaganda methods employed by him. According to Arthur Link, the Chancellor showed the Kaiser newspaper stories written by Count Ernest von Reventlow, the naval affairs columnist for the Deutsche Tageszeitung who was closely associated with Tirpitz and the Navy Ministry, and who "echoed Tirpitz's views."⁸⁴ The Kaiser was very angry with the stories and felt that they interfered "with his privileges as supreme warlord."⁸⁵ In order to demonstrate how Tirpitz had attempted to conceal accurate statistics on submarine warfare, Bethmann presented the Kaiser with the exaggerated figures on U-boat strength which had been provided to the Federal Council by Captain Heinrich Löhlein, the Director of the State Department of the Navy Office.⁸⁶ According to Ernest R. May, the Kaiser transferred the press bureau of the Navy Ministry to the Naval Staff at Bethmann's suggestion.⁸⁷ The Chief of the Naval Cabinet dictated the order on March 5, 1916 and made this notation in his diary:

Dictated the Cabinet order, with Holtzendorff transferring the releases to the Press on the subject of the U-boat campaign and naval warfare in general to the Admiralty Staff. It was couched in such terms that Tirpitz would have no cause for complaint. But I know that it can cause a storm.⁸⁸

The Grand Admiral responded by reporting sick on March 8, and handed over his duties to Admiral Wilhelm Büchsel, who was next in seniority at the Navy Office.⁸⁹ Admiral Müller said that the Kaiser was indignant at Admiral Tirpitz' actions and considered this tantamount to a resignation. The Chief of the Naval Cabinet maintained that he persuaded the Kaiser to "let Tirpitz go."⁹⁰ In his Memoirs, Admiral Tirpitz said that he received a telegram requesting his resignation after he had informed the Kaiser of his ill health.⁹¹ The Grand Admiral submitted his resignation on March 12, 1916 and the Kaiser accepted it.⁹²

Admiral Eduard von Capelle, the Undersecretary of State for Naval Affairs, was chosen as Tirpitz' successor as Secretary of State for Naval Affairs. Capelle had been close to Tirpitz for many years and was considered his right hand man, up until a few months prior to Tirpitz' resignation.⁹³ According to Karl E. Birnbaum, Capelle was considered a moderate on the submarine warfare issue.⁹⁴ Admiral von Tirpitz made the following observation on Capelle's appointment:

On March 17 I received my dismissal, being succeeded by Admiral von Capelle. In the summer of 1915 a decided supporter of the submarine campaign, he was now compelled, before accepting office, to undertake to support the Chancellor in all naval political questions, of which the submarine campaign was regarded as one.⁹⁵

On March 13, 1916, new orders were issued to submarine commanders based on Bethmann Hollweg's February 29 memorandum; they were as follows:

1. Enemy merchant ships which are found in the war zone are to be destroyed without precaution.
2. Enemy merchant ships which are found outside the war zone

will only be destroyed without precaution if they are armed.

3. Enemy passenger vessels may not be attacked from under water either in the war zone or outside of it, no matter whether they are armed or not.⁹⁶

These instructions went beyond the dictates of the original February 10, 1916, armed ship declaration. They were based on the assumption that submarine commanders were capable of distinguishing between armed and unarmed vessels, enemy and neutral ships, passenger liners and merchantmen, when submerged. In fact, this was impossible in many cases. The Chancellor and the Foreign Office were obviously not aware of this, for the February 29 memorandum stressed that problems with the United States could arise from confusion over different types of vessels. The memorandum had suggested that the possibility of confusion could be avoided by supplying the submarine commanders with stringent orders. The naval commanders were undoubtedly aware of this problem, but chose to ignore the risk despite the admonitions of the Foreign Office.⁹⁷ Ernest R. May says that the opportunity to sink a vessel came infrequently and that the submarine commander was unable to positively identify the vessel before deciding whether or not to attack her.

[The submarine commander's] natural inclination was to take a chance on exceeding his orders. Especially was this true since he knew that his superiors were contemptuous of the restrictions and willing to overlook his mistakes, if not indeed to commend them.⁹⁸

The results of the new orders were, consequently, a series of new incidents involving neutrals, the most serious of which was the French passenger vessel, the *Sussex*.⁹⁹

NOTES TO CHAPTER VII

- ¹ Link, Wilson: Struggle for Neutrality, pp. 406-7, 574-5.
- ² Birnbaum, Peace Moves and U-Boat Warfare, pp. 46-7 (see n.5); see also Link, Wilson: Struggle for Neutrality, pp. 552-3; Ritter, Sword and the Scepter, III, p. 157; Jarausch, Enigmatic Chancellor, p. 280; May, World War and American Isolation, p. 229.
- ³ Birnbaum, Peace Moves and U-Boat Warfare, pp. 48-9. For the question of the influence of Verdun on Falkenhayn's decision to support the U-boat war, see Janssen, Der Kanzler und der General, pp. 190-7.
- ⁴ May, World War and American Isolation, p. 229.
- ⁵ Birnbaum, Peace Moves and U-Boat Warfare, p. 49.
- ⁶ Ibid., pp. 49-50.
- ⁷ Link, Wilson: Confusions and Crises, pp. 86-7; Birnbaum, Peace Moves and U-Boat Warfare, pp. 50-1.
- ⁸ Ibid., p. 51; also Tirpitz, My Memoirs, II, pp. 417-18.
- ⁹ Birnbaum, Peace Moves and U-Boat Warfare, p. 51.
- ¹⁰ Ibid.
- ¹¹ May, World War and American Isolation, p. 230; Link, Wilson: Confusions and Crises, pp. 86-7.
- ¹² May, World War and American Isolation, p. 230-1; also see Ritter, Sword and the Scepter, III, p. 159.
- ¹³ Ibid., p. 160 (see n. 87 on p. 526). According to Ritter, Tirpitz told Falkenhayn that they had 38 U-boats but would have 50 by April. Captain Widenmann, an associate of von Tirpitz, said that there would be 105 U-boats by September and 150 by December. Cf. May, World War and American Isolation, p. 231.
- ¹⁴ Birnbaum, Peace Moves and U-Boat Warfare, p. 52, quoting Spindler, Der Handelskrieg mit U-Booten, III, p. 75; May, World War and American Isolation, p. 231; Link, Wilson: Confusions and Crises, p. 87; Jarausch, Enigmatic Chancellor, p. 281.

- 15 Ibid., p. 52.
- 16 G8rlitz, Kaiser and His Court, pp. 125-6; Link, Wilson: Confusions and Crises, pp. 87-8.
- 17 G8rlitz, Kaiser and His Court, p. 126; Link, Wilson: Confusions and Crises, p. 88.
- 18 G8rlitz, Kaiser and His Court, p. 127; Link, Wilson: Confusions and Crises, p. 88; also see May, World War and American Isolation, p. 232.
- 19 Birnbaum, Peace Moves and U-Boat Warfare, p. 53.
- 20 Ibid., p. 54.
- 21 Ibid., p. 53; also see May, World War and American Isolation, p. 236.
- 22 Ibid.
- 23 See Chapter V, n. 74.
- 24 Link, Wilson: Confusions and Crises, p. 155.
- 25 Birnbaum, Peace Moves and U-Boat Warfare, p. 54.
- 26 The Baralong was a British Q ship which attacked and destroyed the U-27 in August, 1915. See Chapter IV, n. 80.
- 27 May, World War and American Isolation, p. 234.
- 28 United States Foreign Relations Supplement 1916, pp. 163-7, Ambassador in Germany (Gerard) to the Secretary of State, Feb. 10, 1916.
- 29 Scheer replaced Admiral Hugo von Pohl in Jan., 1916. Pohl died of cancer of the liver that year.
- 30 Birnbaum, Peace Moves and U-Boat Warfare, p. 55.
- 31 Link, Wilson: Confusions and Crises, p. 88.

32 Birnbaum, Peace Moves and U-Boat Warfare, pp. 54-5.

33 May, World War and American Isolation, p. 237.

34 Ritter, Sword and the Scepter, III, p. 161 (see n. 90 on p. 526). General Wild was disconcerted over the ever-changing figures on U-boat strength presented to him by the navy and was impressed with the Foreign Office's estimations of the adverse reaction to neutrals.

35 Birnbaum, Peace Moves and U-Boat Warfare, pp. 56-7; Admiral Müller had reserved for himself the role of mediator among the various leaders and was apparently withholding judgment on several facets of the U-boat issue. On February 9, 1916, he told Falkenhayn that he agreed with Holtzendorff's ideas on the use of submarines when the military leaders felt that the time was right and the political situation merited it. However, he refused to give an opinion on the political ramifications of submarine warfare. See Görnitz, Kaiser and His Court, pp. 133-4, 124-5.

36 Link, Wilson: Confusions and Crises, p. 179; May, World War and American Isolation, pp. 237-40.

37 Ibid.; Görnitz, Kaiser and His Court, p. 135.

38 May, World War and American Isolation, p. 239; Tirpitz, My Memoirs, II, p. 419, entry for February 23, 1916.

39 Ibid.

40 Birnbaum, Peace Moves and U-Boat Warfare, p. 57; see Janssen, Der Kanzler und der General, p. 190, n. 2. Falkenhayn did not mention Verdun in his letter to Bethmann. The offensive which started on Feb. 21, 1916, must have been a factor in the General's decision to support the U-boat campaign.

41 Görnitz, Kaiser and His Court, p. 137, entry for Feb. 18, 1916.

42 Birnbaum, Peace Moves and U-Boat Warfare, p. 57.

43 Ibid.

44 Link, Wilson: Confusions and Crises, p. 180.

45 Ibid.

46 Link, Wilson: Confusions and Crises, p. 181; Birnbaum, Peace Moves and U-Boat Warfare, p. 58.

47 Ibid.; Link, Wilson: Confusion and Crises, p. 182; Ritter, Sword and the Scepter, III, p. 164; Janssen, Der Kanzler und der General, pp. 190-1.

48 Link, Wilson: Struggle for Neutrality, pp. 182-3; Birnbaum, Peace Moves and U-Boat Warfare, p. 58, n. 2.

49 Link, Wilson: Confusions and Crises, p. 183.

50 Birnbaum, Peace Moves and U-Boat Warfare, pp. 58-9.

51 Link, Wilson: Confusions and Crises, p. 183.

52 Birnbaum, Peace Moves and U-Boat Warfare, p. 60.

53 Link, Wilson: Confusions and Crises, pp. 183-4; Birnbaum, Peace Moves and U-Boat Warfare, p. 60; also see Ritter, Sword and the Scepter, III, pp. 164-5; Janssen, Der Kanzler und der General, pp. 190-2.

54 Birnbaum, Peace Moves and U-Boat Warfare, pp. 60-1.

55 Ibid., p. 61; Link, Wilson: Confusions and Crises, p. 184.

56 Karl Georg von Treutler was the Representative of the Chancellor and the Foreign Office at Grosses Hauptquartier.

57 Görlitz, Kaiser and His Court, p. 140, entry for March 2, 1916.

58 Ibid., p. 141, entry for March 3, 1916; Link, Wilson: Confusions and Crises, p. 184.

59 Ibid.

60 Görlitz, Kaiser and His Court, p. 141, entry for March 3, 1916.

61 May, World War and American Isolation, p. 246; Ritter, Sword and the Scepter, III, p. 168.

62 Ibid., pp. 141-2.

- 63 Janssen, Der Kanzler und der General, p. 193.
- 64 Görlitz, Kaiser and His Court, p. 142.
- 65 May, World War and American Isolation, p. 242.
- 66 Görlitz, Kaiser and His Court, p. 142.
- 67 Link, Wilson: Confusions and Crises, p. 184.
- 68 Birnbaum, Peace Moves and U-Boat Warfare, p. 61.
- 69 Link, Wilson: Confusions and Crises, p. 185; Ritter, Sword and the Scepter, III, p. 169.
- 70 Link, Wilson: Confusions and Crises, p. 185; Birnbaum, Peace Moves and U-Boat Warfare, p. 61; Görlitz, Kaiser and His Court, pp. 142-3.
- 71 Ibid., pp. 142-3.
- 72 Link, Wilson: Confusions and Crises, p. 185.
- 73 Birnbaum, Peace Moves and U-Boat Warfare, pp. 61-2; May, World War and American Isolation, p. 246; Ritter, Sword and the Scepter, III, p. 170.
- 74 Ibid., pp. 168-9.
- 75 Link, Wilson: Confusions and Crises, p. 185; Birnbaum, Peace Moves and U-Boat Warfare, p. 62; May, World War and American Isolation, p. 247.
- 76 Ibid.; Birnbaum, Peace Moves and U-Boat Warfare, p. 62.
- 77 Ibid.
- 78 Link, Wilson: Confusions and Crises, p. 185. Bethmann complained to Admiral Müller on March 5 that the Admiralty Staff had furnished the Federal Council with misleading figures on U-boat strength. The figures given were 54 U-boats in commission and 203 ready for service on the stocks. The Chancellor pointed out that these figures did not include any consideration for delays with

regard to delivery of different types of U-boats. This created a false impression of the number of available U-boats for the submarine campaign. Görlitz, Kaiser and His Court, p. 144, entry for March 5, 1916.

79 Link, Wilson: Confusions and Crises, pp. 185-6.

80 Birnbaum, Peace Moves and U-Boat Warfare, pp. 62-3; Link, Wilson: Confusions and Crises, p. 186; May, World War and American Isolation, p. 247; Jarausch, Enigmatic Chancellor, p. 285.

81 May, World War and American Isolation, p. 247; Link, Wilson: Confusions and Crises, p. 186; Janssen, Der Kanzler und der General, pp. 193-4.

82 Ritter, Sword and the Scepter, III, p. 169.

83 Jarausch, Enigmatic Chancellor, p. 285.

84 Link, Wilson: Confusions and Crises, p. 256; May, World War and American Isolation, p. 45.

85 Ritter, Sword and the Scepter, III, p. 169.

86 Ibid., pp. 163, 169, 529, n. 95; also see Jarausch, Enigmatic Chancellor, p. 286; Görlitz, Kaiser and His Court, pp. 104, n. 80, 144, entry for March 5; May, World War and American Isolation, p. 247.

87 Ritter, Sword and the Scepter, III, pp. 247-8.

88 Görlitz, Kaiser and His Court, pp. 143-4, entry for March 5.

89 Tirpitz, My Memoirs, II, p. 420; Görlitz, Kaiser and His Court, p. 144, entry for March 9, 1916.

90 Ibid., also see p. 146, entry for March 12, 1916.

91 Tirpitz, My Memoirs, II, p. 420.

92 Ibid., pp. 420-1; Birnbaum, Peace Moves and U-Boat Warfare, p. 63; Ritter, Sword and the Scepter, III, p. 169; May, World War and American Isolation, p. 248.

93 Görlitz, Kaiser and His Court, p. 147, entry for March 14, 1916; Ritter, Sword and the Scepter, III, p. 172.

- 94 Birnbaum, Peace Moves and U-Boat Warfare, p. 63.
- 95 Tirpitz, My Memoirs, II, p. 421.
- 96 May, World War and American Isolation, p. 249; Birnbaum, Peace Moves and U-Boat Warfare, pp. 63-4.
- 97 Ibid., p. 64.
- 98 May, World War and American Isolation, p. 249.
- 99 Ibid., pp. 249-50; Birnbaum, Peace Moves and U-Boat Warfare, p. 64.

CHAPTER VIII

THE SUSSEX CRISIS

The Wilson Administration was still embroiled in the armed ships controversy in March, 1916, when the Sussex crisis occurred.¹ The submarine issue had not been the focal point of German-American relations since President Wilson and Secretary of State Lansing had decided to reject the German memo of February 4, 1916 on the Lusitania case because of the Central Powers' armed ship declaration on February 10. The Wilson Administration had preferred to let the Lusitania case drift rather than settle it at that point. The submarine incidents of 1915-1916 had served to harden the attitudes of Secretary of State Lansing and Colonel House. During the Arabic crisis, both House and Lansing advised President Wilson to break relations with Germany; and the Sussex crisis prompted them to give the same advice, but this time both were convinced that the United States ought to sever relations and enter the war.² President Wilson continued to deal with Germany patiently by reserving judgment until all of the facts on the Sussex case had been gathered. He still wanted to preserve relations with Germany in hopes of bringing about a peace conference that would end the war.

The circumstances of the Sussex incident were important to the German-American debate that followed. Commander Pustkuchen of the UB29, one of the smaller submarines, had been sailing under the

March 13 orders issued to the High Sea Fleet when he sighted a strange looking vessel in the English Channel on a fair afternoon on March 24, 1916. His instructions stipulated that submarines should attack enemy merchant vessels while submerged, but that enemy passenger liners, whether armed or unarmed, could not be attacked without warning. Surface attacks were to be the exception and should be utilized "with the greatest care."³ Arthur Link, in Wilson: Confusions and Crises, gives the following account of Commander Pustkuchen's fateful decision to attack the vessel.

'The ship resembles a Channel packet vessel,' Pustkuchen wrote in his log, 'but it has only one stack and a bridge very much like that of a warship. As it does not follow the route prescribed by the British Admiralty for ships of commerce...it cannot be a liner. In view of its strange rear structure, I take it for a minelayer. It carries no flag and is painted black all over.' Pustkuchen fired a torpedo at a distance of 1,300 meters at 2:55 western European time. 'All the bow of the ship, including the bridge is covered with people. It is a transport. Sinking not observed. I make my getaway submerged.'⁴

Commander Pustkuchen had torpedoed the French passenger vessel the *Sussex*, which was traveling on her customary route from Folkestone, England, to Dieppe, France, because he had improperly identified the vessel. He had attacked an enemy passenger vessel in violation of his orders, because of the difficulty of ascertaining the character of the vessel from a submerged submarine. Pustkuchen's mistake was to complicate German-American relations because there were 25 Americans on board the *Sussex*, and because Pustkuchen continued to insist that he had torpedoed a minelayer.⁵ However, the 1,353-ton passenger vessel, which was owned by the London, Brighton, & South Coast Railway Company, but sailing under the French flag, did

not sink; she was towed to Boulogne, France. The Sussex was carrying 325 passengers and 53 crewmen; approximately 80 persons were killed or injured as a result of the torpedo blast. Although no Americans were killed, four were injured.⁶ The Sussex was unarmed.⁷

The United States was subsequently furnished with evidence of the incident by the French government and American military and naval attachés from the American Embassy who went to Boulogne to examine the Sussex in order to determine the cause of the explosion. The Captain and other officers of the Sussex, who were on the bridge when the incident occurred, reported sighting the wake of a torpedo; several passengers saw it also.⁸ The bow of the Sussex swung to the starboard in a vain attempt to dodge the torpedo, but it struck the bow of the vessel and exploded, tearing "away the entire forward part of the steamer as far aft as the bridge."⁹ The watertight bulkheads kept the Sussex from sinking, and she was towed into Boulogne for examination; these were the findings of the American officers as recorded by Secretary of State Robert Lansing in his War Memoirs.

In the examination of the damaged vessel at Boulogne by American officers fifteen pieces of a torpedo were found in the debris on board and among them were two screw-bolts stamped with the letter K and certain numbers such as were used only on German torpedoes. In addition to this proof other fragments showed the red paint peculiar to the war heads of German torpedoes. I later saw and examined these fragments, which were forwarded to the Navy Department for inspection.

The evidence that the disaster was caused by a torpedo fired by a submarine and that the torpedo was of German manufacture was conclusive. There could be no doubt, therefore, that a German submarine commander had committed the wanton deed, knowing, as he must have known, that the steamer was engaged in innocent passenger traffic.¹⁰

Upon receiving news of the destruction of the Sussex, Secretary Lansing instructed the American Ambassador to Germany, James W. Gerard, to make inquiries at the Foreign Office as to whether a German submarine had torpedoed the vessel. He also gave instructions to the American Ambassador to Britain, Walter Hines Page; Page was told to find out if the Sussex was armed.¹¹

The advice Secretary Lansing and Colonel House gave President Wilson clearly indicated that they thought that the United States ought to go to war with Germany over the Sussex. They advised that Wilson break relations with Germany immediately after it was ascertained that a German submarine had attacked the Sussex. Wilson rejected their advice because he felt that the United States ought to find some way to end the war and that the United States would be more effective in achieving this goal as a neutral.

The Secretary of State wrote Wilson on March 27, 1916, that the evidence in the Sussex case indicated that the vessel was attacked by a German submarine. He speculated that the Entente governments would submit evidence which would substantiate this conclusion and that Germany would deny it. Lansing said that he thought that the facts would verify his assumption that the Sussex was similar to other submarine incidents occurring in recent days. Should Germany be able to prove that a submarine did not attack the Sussex, the United States would have to act decisively. "We can no longer temporize in the matter of submarine warfare when Americans are being killed, wounded or endangered by the illegal and inhuman conduct of the Germans," he continued. The United States could no longer write

write protest notes to Germany; she must act decisively, stating "in no uncertain terms" that submarine warfare in its present form "can no longer be tolerated." Secretary Lansing concluded that, if a German submarine was responsible for the destruction of the *Sussex*, the United States should have Bernstorff recalled and sever diplomatic relations with Germany.

This action might be made conditional upon the German Government unequivocally admitting the illegality of submarine warfare in general, paying a just indemnity for the Americans killed and injured, and guaranteeing that the present method of warfare will cease. Such a conditional admission would be in the nature of an ultimatum which could very properly include a time limit at the expiration of which, in case of failure to comply with the conditions, Count Bernstorff could be given his passports.

I realize that this action is drastic but I believe that to be patient longer would be misconstrued both at home and abroad. We have already shown in the case of the *Lusitania* an earnest desire to avoid trouble with Germany and now, after ten months of negotiations and on the eve of an amicable settlement, Germany has renewed the method of warfare against which we have so strongly protested. In these circumstances I do not see how we can avoid the issue and remain inactive. The honor of the United States and the duty of the government to its citizens require firm and decisive action.¹²

The President replied on March 30, 1916, that he did not agree with Secretary Lansing on the subject. He said that the evidence to date in the *Sussex* case did not indicate conclusively that a torpedo had destroyed the vessel. Wilson thought that he and Secretary Lansing should have a personal conference to discuss the matter.¹³ It became apparent during the next few days that President Wilson was wary of initiating any decisive action on the *Sussex* case. He seemed determined to reserve judgment and to await the arrival of more information on the incident.¹⁴

The President's personal adviser, Colonel Edward Mandell House, was convinced that the United States ought to sever relations with Germany and enter the war against her as a result of the Sussex incident. House was afraid that President Wilson would delay action by writing more notes, and so he hurried to Washington in hopes that he could convince Wilson of the need for action.¹⁵ He met with President Wilson on March 28 and recorded the substance of the conversation in his diary.

We talked enough, however, for me to fathom what was in his mind; and from the way he looked at me, I am inclined to believe that he intends making excuses for not acting promptly in this new submarine crisis forced upon him by the sinking [sic] of the Sussex. He evidently does not wish to back up his former notes to Germany upon this subject. He does not seem to realize that one of the main points of criticism against him is that he talks boldly, but acts weakly.¹⁶

Colonel House continued to confer with Wilson for the next few days on the impending crisis. During this period, news arrived that three British vessels, the Englishman, the Manchester Engineer and the Eagle Point, were sunk in the war zone by German submarines; all of these vessel were carrying American citizens and none of the vessels were armed.¹⁷ Germany had not announced a new submarine campaign. The last information the United States had received on the subject was on February 10, 1916, armed ship declaration. Consequently, none of the Administration officials understood the renewed submarine activity. From reports, submarines were sinking some ships after giving warning, and some without warning, and none of the vessels sunk thus far were armed.¹⁸ Colonel House observed that Secretary Lansing "was bellicose and believe that the United States had no recourse

but an immediate rupture with Germany."¹⁹ The Secretary read House the letter he had written President Wilson, advising that the United States break relations with Germany over the Sussex incident. Colonel House said that he approved of the letter provided that an investigation of the facts justified a break. Both men agreed that Wilson would "be exceedingly reluctant to back up his own threats."²⁰ Apparently Wilson hesitated to take any action because he wanted to end the war and felt that the United States would be better able to accomplish this as a neutral rather than as a belligerent. If it was necessary to enter the war, the President would rather do it to end the war, instead of basing this action on a defense of American rights.²¹

Colonel House met with President Wilson on March 30 to advise him to make preparations for severing relations with Germany. Wilson said that he was afraid that, if the United States broke relations with Germany, the war would continue indefinitely and that "there would be no one to lead the way out." House disagreed.

I suggested that, when he sent Bernstorff home, he should make a dispassionate statement of the cause of the war and what the Allies were fighting for. I suggested that he should say nothing unkind of the German people, but should strike at the system which caused this world tragedy, and contend when that was righted the quarrel with Germany, as far as we were concerned, would be ended. Then I thought at the right time—which would perhaps be by mid-summer—I could go to Holland and, after a conference with the Allies and with their consent, I could open negotiations directly with Berlin, telling them upon what terms we were ready to end the war.

I thought that the same arrangement could then be carried out as I had planned; that is, he should preside over the conference and we should take part. This would make our participation more effective than as a neutral, and we could do greater and better work in this way than we could in the way we planned.²²

House thought that Wilson seemed pleased with his suggestion. However, Arthur Link thinks that Wilson was far more impressed with the Colonel's warning that, unless he enforced his threats to Germany on submarine warfare, he would lose the faith of the American people and the Entente Powers.²³ President Wilson asked House to talk to Count Bernstorff and tell him that, unless the German submarine policies were changed, the United States would enter the war.²⁴ Wilson continued to resist the advice of those closest to him, including his wife, to break relations with Germany.²⁵ Daniel Smith, in Robert Lansing and American Neutrality, says that Wilson probably "realized better than either Lansing or House that the country as a whole was not yet prepared for war."²⁶

German Foreign Office officials were not yet aware of the impending crisis with the United States over the Sussex. The Foreign Secretary, Gottlieb von Jagow, and Chancellor Bethmann Hollweg were deeply concerned over renewed pressure for unrestricted submarine warfare. A coalition of Conservatives, National Liberals and Centralists were attempting to introduce a resolution in the Reichstag in favor of unrestricted submarine warfare. The Reichstag was in a highly volatile state as demonstrated by the March 24 session, when a split among the Social Democrats almost ended in fist fights. The Chancellor was in a dilemma, because he could not publicly use his most effective argument against unrestricted submarine warfare—which was the insufficient number of U-boats—without risking the charge of treason.²⁷ Hence he sought to keep the discussion from being made public, and he was successful. The issue was discussed

in late March in secret Reichstag Budget Committee meetings. The Chancellor was able to forcefully defend his position and the new Naval Secretary, Admiral von Capelle, co-operated by furnishing accurate figures of U-boat strength which the Chancellor used to support his argument. These sessions put a tremendous strain on Bethmann Hollweg, who was described by Gerhard Ritter as "close to physical collapse."²⁸ The Chancellor told the Reichstag on April 5 that submarine warfare must be used.

No fair-minded neutral, no matter whether he favors us or not, can doubt our right to defend ourselves against this war of starvation, which is contrary to international law. No one can ask us to permit our arms of defense to be wrested from our hands. We can use them, and we must use them. We respect legitimate rights of neutral trade and commerce, but we have a right to expect that this will be appreciated, and that our right and our duty will be recognized--to use all means against this policy of starvation, which is a jeering insult not only to all laws of nations, but also to the plainest duties of humanity.²⁹

The Reichstag approved the Chancellor's policies by adopting a resolution on the following day, which affirmed the need for a submarine campaign, but with the stipulation that such a campaign be conducted in accord with "the just interests of neutral nations."³⁰ This was clearly a victory for Bethmann Hollweg. The submarine enthusiasts in the National Liberal and Conservative parties had been unable to secure enough votes from Center party members to obtain a resolution supporting an unlimited U-boat campaign.³¹

The March 4 imperial conference had established that the question of unrestricted submarine warfare would be reconsidered on the first of April. During the latter part of March, Admiral

Holtzendorff began to pressure the Chancellor to arrange a conference with the Kaiser to discuss the matter. The Chief of the Admiralty Staff still felt that the impending decision would be in favor of unrestricted submarine warfare. Karl Birnbaum says that Holtzendorff was most probably demanding a decision for unlimited U-boat warfare because of the pressure exerted by his associates for this decision; it was unlikely that he was acting out of personal conviction.³²

The Chancellor made known his opinion that Holtzendorff's position was untenable, but had the Foreign Office Representative at Grosses Hauptquartier, Karl von Treutler, inquire as to whether the Kaiser wanted to hold a new conference with him. Treutler reported that the Kaiser did not accept Holtzendorff's position but advised the Chancellor to submit a report on the preparations being made in the United States for the advent of unrestricted submarine warfare.

Colonel Treutler told the Kaiser on April 3-4 that recent submarine incidents had complicated relations with the United States and that it was not possible to determine whether the United States and other European neutrals would remain neutral should unrestricted submarine warfare be utilized, nor was it possible to ascertain this in a limited period of time. The Chancellor, Treutler continued, retained the position he had assumed at the beginning of March, because the political and naval situation was no more favorable for unrestricted submarine warfare in April than it was in March. The Kaiser said that he appreciated the Chancellor's opinions, but that he could not postpone the decision for unrestricted submarine warfare indefinitely. He told Treutler that he expected a report from

the Chancellor in May or June on the diplomatic preparations for the campaign. Treutler said that the campaign would not be possible then either. Thus the Chancellor sought to postpone the submarine campaign, in hopes of obtaining time "for intensified peace efforts."³³

In the meantime the Foreign Office began making inquiries about the Sussex. German naval authorities were perplexed by the matter, because Commander Pustkuchen reported torpedoing a minelayer on March 24 in the vicinity where the Sussex was hit. In addition, Pustkuchen had drawn a sketch of the vessel he had attacked. The assistant Chief of the Admiralty, Vice Admiral Reinhard Koch, advised the Foreign Secretary that his office was unable to proceed with the investigation until more information was obtained. He suggested that von Jagow request the United States to furnish all the information available on the circumstances of the destruction of the Sussex.³⁴ Jagow sent the American Ambassador a telegram requesting the information accompanied by the assurance that Germany would make reparations if the Sussex was destroyed contrary to instructions. "Should the investigation prove that the Sussex was actually attacked by a German submarine contrary to the assurances given to the American government, the Imperial government, as a matter of course, will immediately order the necessary redress (German word Remedur) to take place."³⁵ For whatever reasons, Secretary Lansing never answered this request for information.³⁶

Secretary Jagow received a news report on April 9 which indicated that the Sussex had been attacked at the same time that Commander Pustkuchen had torpedoed a minelayer. Arthur Link says

that additional telegrams, stating that the Wilson Administration believed that the Sussex had been attacked by a German submarine, probably caused Jagow "to conclude that further delay might be fatal."³⁷ Consequently, he handed Ambassador Gerard the paraphrase of a memorandum prepared by Admiral Holtzendorff on the destruction of the English vessels the Englishman, Berwindvale, Manchester Engineer and the Eagle Point; all of these vessels were carrying American citizens and the vessels were reportedly destroyed by submarines. Also included in the memo was information concerning the Sussex. The memorandum, which was given to Gerard on April 10, said that it had been difficult to obtain information on the Sussex, but that a vessel had been destroyed on March 24 near the route between Folkestone and Dieppe.³⁸ The vessel is described below.

In this locality a long black vessel without a flag, with a gray smokestack and a small gray superstructure, and with two tall masts, was encountered by a German submarine on March 24 about the middle of the English Channel. The German commander gained the definite conviction that he had before him a war vessel, a mine layer of the newly constructed English Arabic class. He was led to this conviction: (1) by the flush deck of the vessel; (2) by the warship form of stern, protruding diagonally backwards and then falling downward; (3) by the warship-like coat of paint; (4) by the high speed of about 18 sea miles developed by the vessel; (5) by the circumstance that the vessel did not follow the course to the north of the light buoys between Dungeness and Beachy Head, which is the customary course for merchant shipping according to the frequent and uniform observations of the German submarines, but sailed in the middle of the Channel pointing about for Havre. He consequently attacked the ship submerged at 3:55 o'clock p.m., Central European time, one and a half sea miles southeast of Bull Rock Bank. The torpedo struck and caused such a severe explosion in the foreship that the whole foreship was torn loose up to the bridge. The particularly severe explosion permits the safe conclusion that there were large quantities of ammunition on board.³⁹

The submarine commander, the memo continued, had made a sketch of the vessel which was compared with a photograph of the Sussex which appeared in the English newspaper the Daily Graphic on March 24.

Two copies of the sketch and of the photograph of the Sussex were enclosed with the memorandum. By studying both the sketch drawn by the submarine commander and the photograph of the Sussex, the German government concluded that the two vessels were dissimilar and that the Sussex had not been destroyed by a German submarine. It was suggested that the Sussex might have hit a mine. Germany requested that the United States furnish any information she might have regarding the Sussex. In the event that Germany and the United States were unable to agree on the fate of the Sussex, Germany offered to submit the case to a mixed commission of inquiry as provided by the Hague Convention of 1907.⁴⁰

The Foreign Secretary sent Ambassador Bernstorff two messages on the following day, April 11, on Germany's position on submarine warfare and on Germany's desire for peace. The first telegram reads, in part, as follows:

Germany willing to conduct submarine warfare with due regard to neutral rights. We naturally stand by our assurances given America and have issued such precise instructions regarding this matter that according [to] human foresight errors are excluded. Should any mistakes happen contrary to expectation we are willing to remedy them in every way. Germany in face of daily increasing violations of international law by England cannot give up submarine war altogether but regrets that England apparently succeeds in luring a few American citizens also for [apparent omission] freight ships in war zone as you know are not immune by our promise, and thus tries to cause a break with America. Our bona fides cannot be doubted since Chancellor second time announced before whole world Germany ready to conclude peace and pointed out only defensive aims. Our oponents however sneeringly refuse our outstretched hand and are still preaching Germany's lasting military and economi-

cal annihilation.⁴¹

Ambassador Bernstorff was instructed to deliver the second telegram to Colonel House; it encouraged any efforts President Wilson might make in order to obtain peace.⁴²

By April 5, 1916, Secretary of State Robert Lansing and President Wilson knew that the Sussex was unarmed and did not transport troops; they also knew that she did not hit a mine but was attacked without warning by a German submarine. Reports began to reach Washington on May 28 from British and French naval authorities, eye witness accounts from American passengers traveling on board the Sussex and accounts given by American military attachés sent to Boulogne by the American Ambassador to France, William G. Sharp.⁴³ President Wilson became convinced by virtue of the evidence, and possibly a letter from Colonel House, that some kind of action must be taken, and so, on April 5, he asked Secretary Lansing to draft a note to Germany.⁴⁴ Lansing completed the note and handed it to the President on the following day. The Secretary's draft succinctly stated that the Sussex had been attacked without warning by a German submarine in violation of the pledge given to the United States by the German government. The note had two concluding paragraphs. The first of these said that the United States was severing diplomatic relations with Germany because of "this lawless and inhuman method of warfare." The second paragraph threatened to break relations, if Germany did not relinquish the commercial submarine campaign.⁴⁵

Colonel House returned to the White House from New York on April 5 and conferred with Secretary Lansing at six o'clock that

evening. Lansing showed Colonel House the draft note he had written on the Sussex incident. House approved of the note, but said that President Wilson would modify it considerably before sending it off.⁴⁶ On the following day, Colonel House met with President Wilson and told him that he thought that "a break with Germany was inevitable," and that Wilson should prepare for it. In any event, he ought to decide what he wanted to do, House continued. Colonel House had suggested the possibility of mediation through the House-Grey Memorandum and the two men discussed this possibility. It was decided that President Wilson should dispatch a note to the British Foreign Secretary, Sir Edward Grey, advising him that the United States was on the verge of severing relations with Germany, and suggesting that he reconsider the possibility of implementing the House-Grey Memorandum.⁴⁷ Colonel House continued to confer with President Wilson and the members of his Cabinet. When the Cabinet met on Friday, April 7, the members were divided on the issue as to whether action should be delayed over the Sussex incident, but all agreed that some sort of ultimatum should be sent to Germany. President and Mrs. Wilson left that evening for a cruise on the presidential yacht, the Mayflower. Wilson took Lansing's draft note and other documents with him.⁴⁸

Colonel House met with the German Ambassador, Count Johann von Bernstorff, on Saturday morning. The meeting took place in House's New York apartment. The Ambassador said that he was just as perplexed over the renewed submarine activities as was the American government.

He said that a break must not occur and that he would immediately get busy. Asked for suggestions, I thought he should cable his Government that you felt completely discouraged; that it had been only by the grace of God that American lives had not been lost upon ships torpedoed without warning; that it might happen to-day, to-morrow, or next week, but it would surely come unless they renounce their submarine policy....

Bernstorff admitted that if passenger-ships were torpedoed without warning and American lives lost, you had no alternative excepting the severance of relations with Germany. He said he had communicated this to his Government, but that he had cried wolf so many times, perhaps it did not have as much effect as it should.⁴⁹

Ambassador Bernstorff wrote up the report of his meeting with House that day and sent it to Berlin a few days later. He said that President Wilson felt that the situation was hopeless in spite of Admiral Tirpitz' resignation, because the German government had not been able to limit the submarine campaign. Bernstorff requested instructions in order that he might reassure the American government and restore faith in Germany's good will.⁵⁰ Arthur Link observes that the report indicated that the German Ambassador failed to comprehend the seriousness of the situation.⁵¹

President Wilson began work on his own draft note on the Sussex incident on April 8; he had taken Lansing's draft with him on the Mayflower. He decided to return to Washington that afternoon and secluded himself with his work until Monday afternoon, April 10, when he emerged to take a brief rest and then typed up the draft that evening. The draft began by summarizing the evidence in the Sussex case. The United States felt that Germany did not realize the gravity of the situation. Since the Sussex was not the only recent submarine incident, the United States was obliged to conclude

that Germany had decided to intensify the submarine campaign. In response to American protests against the submarine campaign, the German government had given assurances that the campaign would be conducted with due regard to the rights of neutrals. Germany had repeatedly promised that passenger ships would not be attacked without warning and yet her submarine commanders had disregarded "those assurances with entire impunity." Hundreds of American citizens had lost their lives as a result of the campaign and the United States had been patient, waiting until incontrovertible evidence of German intentions had accumulated. The United States concluded that:

It now owes it to a just regard for its own rights to say to the Imperial Government that the time has come. It has become painfully evident to it that the position which it took at the very outset is inevitable, namely that the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, utterly incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now declare its intention to abandon its present practices of submarine warfare and return to a scrupulous observance of the practices clearly prescribed by the law of nations, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether. It will await an early announcement of the future policy of the Imperial Government in the earnest hope that this unwelcome course will not be forced upon it.⁵²

The President sent for Colonel House who arrived at the White House the next day, April 11, in order to discuss the draft note; Wilson read the note to House and Mrs. Wilson that morning. Both Mrs. Wilson and Colonel House said that the final paragraph was weak. House observed that the note reopened the whole question of the use of submarines as commerce destroyers. President Wilson responded by saying that, if he took the advice, the result would be a declaration of war and that he did not have the power to declare war without the consent of Congress. Colonel House replied that, if the note was not changed, Germany would offer to make concessions, provided that Britain observe international law. Finally, President Wilson agreed to eliminate the last sentence. House then urged him to threaten to break relations with Germany unless she agreed to give up the submarine campaign. Wilson left House without deciding anything further.⁵³

The Cabinet met at 11:00 a.m. that day and President Wilson read the draft note he had written; however, he did not tell the Cabinet that it was a note that he proposed to send Germany. He said that it was an argument he had in mind against submarine warfare. The President knew that the German note of April 10 was in transit to Washington and would await its arrival before dispatching his own. He gave Lansing the note he had written after the Cabinet meeting to be checked for form and accuracy.⁵⁴

Lansing made minor revisions in Wilson's draft and suggested that a new conclusion be substituted. This would have severed relations with Germany until she abandoned the commercial submarine campaign. Lansing's proposed conclusion read:

It [the Government of the United States] can have no choice but to sever diplomatic relations with the German Empire until such time as the Imperial Government shall declare its purpose to abandon and shall abandon its present practices of submarine warfare, return to a scrupulous observance of the rules of naval warfare prescribed by the law of nations, and agree to make amends so far as possible for the deaths and injuries suffered by citizens of the United States through the wanton attacks of German naval commanders on vessels of commerce.

I have the honor to inform your Excellency that I am further instructed to request my passports and to depart from the German Empire as soon as possible, and to state that the Imperial German Ambassador at Washington will be requested to take his immediate departure from the United States.⁵⁵

Secretary Lansing argued that, unless Germany was given an ultimatum at this point, the United States would be saying that she would wait and see if another vessel carrying American citizens was destroyed before severing relations. He thought that there was nothing to be gained by postponing action and felt that breaking relations might prevent other submarine incidents from taking place.⁵⁶ President Wilson rejected Lansing's draft note and many of his suggestions, because, as he told the Secretary, "he considered the language too severe and uncompromising." Lansing wrote in his War Memoirs that he understood why the President had rejected his draft note but did not agree with his reasoning. "It was, from his standpoint, too plain-spoken, too blunt and too final. It left no loophole for debate. It said to Germany, 'You have broken your solemn promise and must take the consequences.'"⁵⁷ The President made additional changes in the draft and the result was this concluding sentence:

Unless the Imperial Government should now immediately declare its intention to abandon its present practices of submarine warfare and return to a scrupulous observance of the practices clearly prescribed by the law of nations, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.⁵⁸

Secretary Lansing objected to much of the Wilsonian phraseology of the note, which he found to be imprecise and superfluous. He focused most of his criticism on the above sentence and outlined his objections to President Wilson in the letter of April 15, 1916.

In the first place, the phrase--'return to a scrupulous observance of the principles clearly prescribed by the law of nations'--offers an opportunity to raise the question as to what are clearly prescribed principles. As you know, these are not very well defined except as to visit and search. In addition to this, the whole question of the treatment of armed and unarmed merchantmen will be raised.../He suggested that the sentence be revised to read: Unless the Imperial Government immediately declares that it abandon its present method of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire.⁵⁹

Wilson agreed to change the phrasing of that sentence and the final version was substantially in accord with Lansing's suggestion.⁶⁰

The German April 10 note on the Sussex arrived in Washington on April 12. Neither President Wilson nor Secretary Lansing made any comment on the note. Ambassador Bernstorff sent Colonel House a copy of the note, which he forwarded to the White House on April 15 with this droll observation: "I do not believe we can get anywhere through him, for he does not seem to know much more about what is in the mind of his Government than we do."⁶¹ According to Arthur Link, President Wilson awaited the arrival of the affidavits of American citizens traveling on board the Sussex in order to make an airtight case; in the meantime, he and Secretary Lansing were putting the final, finishing touches on the Sussex note.⁶² The final consideration left to President Wilson was his unfortunate

promise to the Chairman of the Senate Foreign Relations Committee, Senator William J. Stone, that he would consult the congressional leaders before dispatching an ultimatum to Germany over submarine warfare. Wilson regretted having made the promise,⁶³ and decided on April 18 to hedge on it. He would dispatch the note and then inform Congress. President Wilson instructed Lansing to send the note on April 18 and made arrangements to meet with a joint session of Congress on the following day.⁶⁴

On April 18, Count Bernstorff went to the State Department at four o'clock in the afternoon in hopes of preventing the United States from dispatching the note which he knew contained something close to an ultimatum. The Ambassador handed Secretary Lansing a telegram he had received from Secretary von Jagow on April 15 outlining current instructions to submarine commanders and explaining the military problems entailed by the campaign; also Jagow expressed the hope that the United States would "not put forward new demands which might bring us into an impossible situation."⁶⁵ Bernstorff spoke briefly with Secretary Lansing and the German Ambassador attempted to ascertain what the specific American grievances were. Secretary Lansing became evasive, making statements that German submarine commanders were attacking neutral vessels without warning. Bernstorff replied that their instructions did not permit this and inquired about the number of cases the Americans were citing and the kind of evidence involved. Lansing said that there were five cases, but revealed in the course of the conversation that the Sussex was the only case in which the evidence was conclusive. Bern-

storff asked if there was anything he could do. The Secretary of State said no, he would talk to him tomorrow.⁶⁶ In retrospect, Bernstorff wrote, in My Three Years in America, that he believed that diplomatic relations between the United States and Germany could have been preserved, even in 1917, had the April 18, 1916, note never been sent.⁶⁷ Apparently Lansing never informed President Wilson of Secretary Jagow's April 15 telegram, or of the conversation he had with Ambassador Bernstorff on April 18; Arthur Link says that this information probably would not have changed the situation, however.⁶⁸

Throughout the Sussex crisis, Ambassador Bernstorff attempted to prevent the exchange of notes, because he was afraid that this would lead to a break in diplomatic relations. Bernstorff had no way of knowing whether or not Germany would be able to satisfy the American demands on the Sussex case, because of the controversial nature of the submarine issue. He thought that relations with the United States could not be preserved unless Germany guaranteed that submarines would follow cruiser rules of warfare in the future. Bernstorff recommended that notes not be exchanged because he thought that, if the submarine campaign were modified by giving such a pledge, it would be publicly humiliating for Germany. He felt that a break could eventually be avoided through personal negotiations and requested instructions which would allow him to do this.⁶⁹ If it were proven that the Sussex was attacked without warning by a German submarine, Bernstorff thought that Germany should immediately offer to compensate the American government for damages and to pledge that,

in the future, submarine warfare would be conducted according to cruiser rules. In addition, he advocated that the submarine campaign be temporarily suspended. Under these conditions, Bernstorff thought that President Wilson might advance a proposal for a general peace settlement, implementing his program for freedom of the seas. If Wilson's proposals were not forthcoming, or if his efforts were unsuccessful in this regard, Germany could still reserve the option of unrestricted submarine warfare.⁷⁰ Secretary von Jagow rejected Ambassador Bernstorff's suggestion to resolve the Sussex crisis through confidential negotiations in Washington, because of German public opinion.⁷¹ Bernstorff felt that peace negotiations, rather than disputes over submarine warfare, ought to be the focal point of German-American relations. Hence he thought that common interests, such as freedom of the seas, ought to be the subject of German-American negotiations. Colonel House and President Wilson had advocated that the principal powers co-operate in order to resolve their differences peacefully since 1913-1914; and the idea of multinational co-operation to achieve freedom of the seas was part of this plan. Thus Bernstorff's position on these issues coincided with that of House and Wilson. However, the German government never adopted this policy of German-American co-operation to attain freedom of the seas, and so Bernstorff remained at odds with his government on this issue.

Chancellor Bethmann Hollweg had instructed Ambassador Bernstorff that Germany could not give up submarine warfare. Although the April 18 American note had demanded that surprise submarine attacks on commercial vessels be abandoned, and had condemned the

principle of commercial submarine warfare, it had not demanded that Germany renounce the commercial submarine campaign altogether. Since the United States had not succinctly stated what were her minimum demands for the preservation of diplomatic relations, Ambassador Bernstorff attempted to ascertain what the minimum demands were in order to avoid a break in diplomatic relations without renouncing submarine warfare.⁷²

The German Ambassador entered into negotiations with Secretary Lansing and with Colonel House, in late April 1916, in an attempt to preserve diplomatic relations; and, in order to do this, it was necessary to ascertain what the minimum American demands were. In a meeting with the Secretary of State on April 20, Bernstorff told Lansing that, if the United States demanded that Germany relinquish the submarine campaign, relations between the two countries would be broken and, furthermore, an abandonment of the submarine war would mean the fall of the Chancellor Bethmann Hollweg. The Secretary said that he realized that, if the Chancellor fell, his successor would be more radical. Lansing said that, unless the submarines followed cruiser rules of warfare for all commercial vessels whether neutral or belligerent, Germany would have to abandon submarine warfare. He argued that the right of safety of non-combatants was absolute, that these persons must not be endangered. Bernstorff inquired as to whether he recognized the law of retaliation. Lansing said: "We do not recognize retaliation when it affects the right of neutrals." The German Ambassador pointed out that the British blockade affected the lives of German non-combatants. Lansing replied that this did

not affect neutrals and that the distinction between German-English measures was that the former affected life and the latter affected property. "But you must appreciate," Lansing continued, "that we care more for the lives of our people than we do for property."⁷³

Bernstorff did not agree that Germany was a special case. He felt that Germany's complaint that the German civilian population suffered as a result of the British blockade was just as valid as American complaints over the loss of American lives because of German submarine warfare. Thus he did not distinguish between the complaints of neutrals and those of German civilians; he felt that both were groups of non-combatants which were affected by the war. Lansing had pointed out that neutrals were affected by submarine warfare, whereas those who were most directly affected by the blockade were belligerent non-combatants. Ambassador Bernstorff felt that he was unable to accomplish very much by continuing negotiations with the Secretary of State and succeeded in having the negotiations transferred to Colonel House.⁷⁴ President Wilson instructed Lansing to ask Colonel House to continue the talks with Ambassador Bernstorff.⁷⁵ In addition, the President had Secretary Lansing prepare instructions for House as the basis of these negotiations.⁷⁶ Bernstorff met with Colonel House on April 21 at his New York apartment. Although the conversation Ambassador Bernstorff had with Colonel House did not seem to reveal what the minimum American demands were, he became convinced that the only way to avoid a break in relations was to stop the submarine campaign.⁷⁷ Indeed, Colonel House told Bernstorff on April 25 that, if the Germans really wanted to avoid

a break, it was necessary to "discontinue their submarine warfare entirely and immediately, pending negotiations."⁷⁸ The Ambassador advised the Foreign Office in several telegrams written in April, 1916, that only a temporary cessation of the submarine war would certainly preserve relations with the United States.⁷⁹

The German government received the American April 18 Sussex note with a mixture of shock and dismay. Virtually all of the leaders were depressed by it. Secretary von Jagow was predicting a break with the United States because of it. The Kaiser lost his composure upon reading the note.⁸⁰ By April 23-24, Bethmann Hollweg had determined that it was necessary to make concessions to the United States to prevent a break in diplomatic relations. The American note had not clearly indicated what the minimum demands were and Secretary Jagow sent Ambassador Bernstorff several telegrams asking what concessions would be acceptable to the American government. The Chancellor made preparations for negotiations with the naval and military leaders so that he might secure their approval for the concessions.⁸¹ He called a conference of major political and military leaders on April 24 in order to discuss the problem. The conference took place at the Imperial Chancellery and it was attended by the Chancellor, Admiral Henning von Holtzendorff, Treasury Secretary Karl Helfferich, Foreign Secretary von Jagow, Naval Secretary Admiral Eduard von Capelle, Undersecretary of the Imperial Chancellery Arnold Wahnschaffe, and Wilhelm von Stumm who was the Chief of the Political Department of the Foreign Office. All of the participants of the conference, with the exception of Admiral Holtzendorff,⁸² agreed that concessions must be

made to the United States in order to prevent her entry into the war. Although the Central Powers would most probably lose the war should the United States join the Entente Powers, the Chancellor and Helfferich maintained that, if the United States remained neutral, Germany would triumph.⁸³ Admiral von Capelle observed that, if the submarine campaign were conducted according to cruiser rules, the operations against commercial vessels would still be effective. Most submarines were currently sinking merchantmen by means of cannon fire, he stated.⁸⁴ The consensus of the conference was that a break with the United States could be avoided by limiting the submarine campaign to cruiser rules in all waters. At Bethmann's request, Admiral Holtzendorff agreed to issue orders to the fleet to this effect.⁸⁵

In an attempt to find out what the minimum American demands were, the Chancellor sent for Ambassador Gerard. Gerard met with Bethmann Hollweg at the Chancellery on the afternoon of April 25. Bethmann inquired as to whether Gerard had received any instructions. Gerard said that he had received nothing from Washington since the receipt of the April 18 note. The American note was not very specific in stating what kind of concessions would be acceptable, the Chancellor complained. He said that the German government had been unable to obtain any more information on the Sussex incident and urged the American Ambassador to request further instructions so that he could negotiate the issue.⁸⁶

That evening the Chancellor and Admiral Holtzendorff left for a conference at Charleville, France with the Chief of the General Staff, General Erich von Falkenhayn. In addition, the Chancellor would dis-

cuss the situation with Kaiser Wilhelm II.⁸⁷ The conference took place on the following day. General Falkenhayn was not receptive to Bethmann's arguments that concessions must be made in order to preserve relations with the United States. Falkenhayn insisted that the United States should accept unrestricted submarine warfare in the war zone with a provision for safety zones to be used by neutral vessels. The Chancellor pointed out that the United States had already rejected a similar proposal. If General Falkenhayn's proposal were implemented, it would cause a break in relations, Bethmann asserted. Admiral Holtzendorff said that he thought an effective submarine campaign could be conducted according to cruiser rules in conjunction with the use of mines. The Chief of the General Staff refused to be persuaded. However, the Chancellor was encouraged by Admiral Holtzendorff's support.⁸⁸ The Kaiser assured Bethmann, in a conference held that day, that his position had not changed since March, for he wished to avoid a rupture with the United States at all costs.⁸⁹

The events of the next few days were to alter the situation in favor of the unrestricted submarine warfare enthusiasts in the military. As a result of the April 24 conference, Admiral Holtzendorff sent an order to the fleet stipulating that submarines must follow cruiser rules in all waters. On April 27, the Commander in Chief of the High Sea Fleet, Admiral Reinhold Scheer, informed Holtzendorff that he had withdrawn all submarines from the war zone, because he considered it impossible to conduct the commercial campaign according to cruiser rules; it was simply too dangerous. The

Chief of the Admiralty Staff felt that the cancellation of the submarine war was predictable, because he had issued a similar order in 1915, during the Arabic crisis, with the same result. Admiral Holtzendorff issued orders in September 18, 1915, stating that submarine warfare would be restricted to the North Sea and conducted under cruiser rules. In response, Admiral Hugo von Pohl, who was then the Commander of the High Sea Fleet, and the Commander of the Navy Corps ordered a cessation of the commercial submarine campaign.⁹⁰ Neither Admiral Pohl nor his successor, Admiral Scheer, was sympathetic to Holtzendorff's efforts to limit submarine warfare; both Pohl and Scheer were advocates of the expanded use of the submarine. Arthur Link asserts that Scheer's action "was probably also blackmail, but it cut the ground from under the argument that an effective cruiser type of submarine campaign was possible." Shortly after Scheer's cancellation of submarine activities in the war zone, Admiral Holtzendorff proposed the use of unrestricted submarine warfare again.⁹¹

On the same day, April 27, the Kaiser received a telegram from Admiral von Tirpitz requesting an audience, which the Kaiser refused. The telegram also said that Tirpitz was sending a memorandum on the Sussex. Although Tirpitz was no longer associated with the government, he was still a highly influential person and sought to use that influence to affect policy. The memorandum advised that Germany refuse to satisfy American demands and recommended the implementation of unrestricted submarine warfare. Tirpitz felt that England would be defeated within a few months by means of the submarine campaign.⁹²

General Erich von Falkenhayn chose this time to resume his efforts to bring about a decision for unrestricted submarine warfare. Falkenhayn was able to utilize the Admirals' position that the policies advocated by the Chancellor would render the submarine campaign useless. He maintained that, as a result of the Chancellor's policies, Germany would be defeated.

The consequence would be abandonment of the hope of subduing England and the further result, a war of exhaustion. He [Falkenhayn] would be forced to give up the previous method of warfare, particularly against France. He must save men and munitions insofar as possible and limit himself to a passive defense. We would be defeated in such a war of exhaustion as we would run out of raw materials, munitions, and weapons even if we were to have sufficient foodstuffs.

An agreement with America and at best the consequent return of England to the Declaration of London would perhaps bring us small quantities of foodstuffs, but they are not absolutely necessary. On the other hand, all imports of raw materials needed for production of weapons and munitions would remain barred to us because they are in all circumstances contraband.⁹³

The Chief of the General Staff informed Kaiser Wilhelm II that he would be forced to terminate the attack on Verdun if His Majesty did not allow the navy to use the submarine effectively. The attack on Verdun, he continued, was planned on the assumption that France would fall when Britain was debilitated by U-boat warfare.⁹⁴

Bethmann met with the Kaiser and Admirals Holtzendorff, Müller and von Capelle on April 30 to discuss Falkenhayn's views; the Chancellor had with him Bernstorff's April 26 telegram in which he had stated that only a temporary cessation of the submarine campaign would save the situation.⁹⁵ Admiral Müller recorded in his diary that he and the other Admirals thought that Falkenhayn's opinions were "a very surprising association of ideas." However, the Kaiser

thought differently. "The Kaiser took sides with Falkenhayn and said: 'We are now faced with the choice: Verdun or the U-boat war.'" Müller noted that the other members of the conference were indignant at this statement.⁹⁶ The Kaiser indicated that he would not yield to American demands and said that he was convinced that England could be defeated by means of submarine warfare. Furthermore, he stated that Germany had nothing to gain by maintaining diplomatic relations with the United States bringe uns nichts Positives, and in order to do so, she would have to give up the only means of winning the war. Also the Kaiser felt that a severance of relations with the United States would not result in a declaration of war.⁹⁷ The Chancellor was thrown into despair. On May 1, he told Rudolf von Valentini, the Chief of the Civil Cabinet, that he felt his position was untenable. Valentini reported to Admiral Müller that "Bethmann is a broken man who cannot cope with the constant difficulties." Valentini feared that he might have to recommend a successor for Bethmann and thought that perhaps General Falkenhayn would be suitable.⁹⁸

The Chancellor was unexpectedly aided in his fight to maintain relations with the United States by the Chief of the Admiralty Staff. Admiral Holtzendorff gave Admiral Müller a long memorandum on April 30 outlining his thoughts on the submarine issue. Holtzendorff thought that England could be defeated by means of unrestricted submarine warfare only if she did not gain any new allies. Moreover, unrestricted submarine warfare would cause the United States to enter the war. Holtzendorff made the following conclusions:

From the military point of view—at least from the naval point of view—this risk could be accepted if need be, but from the economic point of view our situation would be considerably worsened. This rich and inaccessible country can carry on a war for ten years; it will bring to our staggering enemies considerable moral and material aid and will strengthen them and prolong their resistance—and in particular England. Our goal, which is to obtain an end of the war within a short time, will be frustrated, and Germany will be exposed to exhaustion.

As the military situation does not at all compel us to play out our last man now, it is necessary to protect our military advantage and to act diplomatically to prevent new enemies from assailing us, to look for and use new means of breaking the alliance of our enemies, and thus to open for us the possibility of a separate peace.

If we are able to maintain peace with America, and if we, by concessions concerning the conduct of the submarine war, prompt America to exert pressure on England so that she will permit legal commerce between belligerents and neutrals, we will have obtained the economic succor which would put us in position to preserve our advantageous military situation for a long time and consequently to win the war.

Rupture with America will, it is true, give the opportunity of trying our chances with the submarine war against England, but in circumstances which can bring no aid to us, no economic alleviation if the war be prolonged. We will always have the recourse of accepting these conditions if our efforts to keep America out of the game miscarry. But in the post that I occupy I cannot accept the responsibility of renouncing these efforts at the destruction of some hundreds of thousands of tons which we could destroy in the enemy's commercial fleet during the several months that the negotiations must last.⁹⁹

Admiral Holtzendorff submitted the memorandum to the Chief of the Naval Cabinet to be presented to the Kaiser. At the urging of the Chancellor, Admiral Müller agreed to do this as soon as possible, for all of the participants of the April 30 conference with the Kaiser had found Falkenhayn's position outrageous. Colonel Treutler and Admiral Müller gave the Kaiser Holtzendorff's memorandum that evening after dinner. "His Majesty changed round immediately," Müller recorded in his diary, "obviously relieved by the thought of having shed the burden of war with America, an idea which is a nightmare to

him. Despite my denial that the unrestricted U-boat campaign had been linked with the Verdun offensive, he insisted that he merely sent for the Chancellor in order to clarify the situation."¹⁰⁰

The Chancellor drafted a memorandum on April 30 or May 1, 1916, in preparation for the conference with the Kaiser which was to decide the submarine issue. He requested that Secretaries von Jagow and Helfferich supply him with information to support his position. Bethmann not only had to persuade the Kaiser that concessions to the United States were necessary, but he had to counteract Falkenhayn's attempt to place the responsibility for terminating the attack on Verdun on the political leaders. Bethmann's position was that Germany would be able to reach an agreement with the United States if submarine warfare was limited to cruiser rules. General Falkenhayn's suggestion that unrestricted submarine warfare be conducted in the war zone, with a provision for safety lanes for neutral vessels, would cause a break with the United States. In addition, the Chancellor refused to consider General Falkenhayn's opinions as to whether a limitation or intensification of submarine warfare would cause Britain to sue for peace. This was a political question, Bethmann asserted, and the Chancellor's opinions must be decisive. He maintained that unrestricted submarine warfare would not reduce Britain's cargo space sufficiently to prevent her from continuing the war or to offset the effect of an American entry into the war. Finally, the memorandum dealt with the issue of Verdun. If General Falkenhayn thought that the operations at Verdun should be stopped for military reasons, the Chancellor would not be entitled to judge

such a decision. However, if the Chief of the General Staff made such a decision based upon political considerations, the Chancellor must insist that these considerations be based on his opinions.¹⁰¹

"Bethmann expressed the opinion that Falkenhayn's political conclusions as to the British attitude towards peace that could be expected from a limitation of U-boat warfare were erroneous and therefore could not be a sufficient ground to cancel the attack on Verdun."¹⁰² The Chancellor refused to take the responsibility for such a decision.

Apparently the Chancellor learned of the Kaiser's acceptance of Holtzendorff's April 30 memorandum in the afternoon of May 1, when he obtained permission for an audience between Ambassador Gerard and the Kaiser later that day.¹⁰³ Although Gerard had still not received any instructions,¹⁰⁴ the Chancellor had requested that he explain President Wilson's attitude to the Kaiser. Gerhard Ritter notes that this was "an unusual step, not unattended by a certain risk in view of the Kaiser's character, but it met with complete success."¹⁰⁵ The Chancellor accompanied Gerard and Joseph Grew, the Counselor to the American Embassy, to have lunch with the Kaiser at his château. The Kaiser, dressed in uniform, was walking in his garden near the château when the American Ambassador arrived and he greeted Gerard with these words: "Do you come like the great pro-consul bearing peace or war in either hand?" Gerard replied: "No, your Majesty, only hoping that the differences between two friendly nations may be adjusted."¹⁰⁶ There ensued a spirited conversation between the Ambassador and the Kaiser, which delighted the Emperor. Admiral Müller noted afterward that Gerard had succinctly explained

the American position and had told the Kaiser that the United States would protest English violations of international law after her differences with Germany were settled.¹⁰⁷ The Chancellor had an audience with the Kaiser later that evening and secured his approval for a conciliatory note to the United States. The Kaiser's decision was explained to the naval commanders in terms of Holtzendorff's April 30 memorandum.¹⁰⁸ Arthur Link observes that the decision on the Sussex note was a political one and not a military decision; it was, therefore, fitting that the Kaiser should accept the Chancellor's opinions. Since the United States would accept a submarine campaign conducted according to cruiser rules of war, Germany would not have to renounce submarine warfare.¹⁰⁹

When General Falkenhayn learned that the Kaiser had accepted the Chancellor's views, he tendered his resignation but was later persuaded to retain his post. The Chief of the General Staff continued, however, to exert pressure for unrestricted submarine warfare.¹¹⁰

The German Sussex note was based on a draft prepared by Dr. Johannes Kriege, the Chief of the Legal Department at the Foreign Office, and Secretary von Jagow.¹¹¹ The note said that the Sussex case had been referred to the naval authorities for further investigation. From the available information, it was possible that a German submarine had destroyed the Sussex, and if this was the case, the German government would not hesitate to give full satisfaction. The note went on to refute the American allegation that German submarines had been sinking all sorts of vessels without regard for

international law; current orders stipulated that submarines must observe cruiser rules regarding merchant vessels, unless the vessels attempted to escape or offer resistance.

The German submarine forces have had, in fact, orders to conduct submarine warfare in accordance with the general principles of visit and search and destruction of merchant vessels as recognized by international law, the sole exception being the conduct of warfare against the enemy trade carried on enemy freight ships that are encountered in the war zone surrounding Great Britain; with regard to these no assurances have ever been given to the Government of the United States; no such assurance was contained in the declaration of February 8, 1916. The German Government can not admit any doubt that these orders have been given and are executed in good faith. Errors have actually occurred; they can in no kind of warfare be avoided altogether, and allowances must be made in the conduct of naval warfare against an enemy resorting to all kinds of ruses, whether permissible or illicit.¹¹²

Although Germany was not able to give up the submarine altogether—certainly public opinion would not allow this¹¹³—she promised that, in the future, submarines would conform to cruiser rules in all waters when approaching merchantmen. Throughout the note, Germany said that she was forced to use the submarine, in this fight for her existence, because of British policies. British measures, Germany asserted, had escalated reprisals so that neutrals and non-combatants were being affected.

For, in answer to the appeal made by the United States Government on behalf of the sacred principles of humanity and international law, the German Government must repeat once more with all emphasis that it was not the German but the British Government which, ignoring all the accepted rules of international law, has extended this terrible war to the lives and property of non-combatants, having no regard whatever for the interests and rights of the neutrals and non-combatants that through this method of warfare have been severely injured.

In self-defense against the illegal conduct of British war-

fare, while fighting a bitter struggle for her national existence, Germany had to resort to the hard but effective weapon of submarine warfare.¹¹⁴

In drafting the note, Foreign Secretary von Jagow rejected the Admiralty Staff's suggestion that the concession, which stated that submarines would follow cruiser rules, be limited to unarmed merchant vessels. Jagow thought that this might cause the United States to break relations with Germany. Admiral Holtzendorff also thought that the concession should carry the condition that America must bring pressure on Britain in return for the guarantee that submarines observe cruiser rules. The Foreign Office probably felt that considerations for public opinion and Holtzendorff's insistence that the note include such a condition made some sort of statement to this effect necessary. It was finally decided that it was not possible to implement Holtzendorff's suggestion, since such a policy might cause a break in relations with the United States; instead, the note should express the hope that the United States would persuade Britain to observe international law. In the event that Britain was not induced to observe international law, Germany reserved freedom of action.¹¹⁵

Accordingly, the German Government is confident that, in consequence of the new orders issued to its naval forces, the Government of the United States will now also consider all impediments removed which may have been in the way of a mutual cooperation towards the restoration of the freedom of the seas during the war, as suggested in the note of July 23, 1915,¹¹⁶ and it does not doubt that the Government of the United States will now demand and insist that the British Government shall forthwith observe the rules of international law universally recognized before the war, as they are laid down in the notes presented by the Government of the United States to the British Government on December 28, 1914, and November 5, 1915.

Should the steps taken by the Government of the United States not attain the object it desires, to have the laws of humanity followed by all belligerent nations, the German Government would then be facing a new situation in which it must reserve itself complete liberty of decision.¹¹⁷

Meanwhile, the American government had grown impatient for a reply from Berlin. Ambassador Bernstorff warned on May 2: "The sword of Damocles¹¹⁸ of a rupture of German-American relations still hangs over our heads...I am continually getting the impression in conversations with Colonel House and other Americans that the President will make himself absurd unless he gets some definite success in his diplomatic battle with Germany."¹¹⁹ The Foreign Secretary Gottlieb von Jagow handed the note on the Sussex to Ambassador Gerard on May 4, and it arrived in Washington on May 5. Gerard received an additional note on the Sussex on May 8 which acknowledged that the Sussex had been destroyed by a German submarine. The submarine commander had mistakenly identified the vessel as a warship; and, since he was operating under orders which stated that cruiser rules must be applied to passenger vessels, the German government had disciplined him for the mistake. Germany admitted that the submarine commander had violated his instructions and apologized to the American government. In addition, Germany offered to pay an indemnity for damages incurred.¹²⁰

Secretary of State Robert Lansing was not at all pleased with the German May 4, 1916, note. He wrote to President Wilson that he intended to study the note but felt that it was unsatisfactory.

The more I study the reply the less I like it. It has all the elements of a "gold brick" swindle with a decidedly in-

solent tone. I think we should take time to scrutinize the document and give no indication as to whether it is acceptable or unacceptable until we weigh every portion with care. The first impression is bad; the second, good; the third unsatisfactory. At least that is the way my mind has been impressed thus far.¹²¹

Lansing objected to the final paragraph of the note, which seemed to make the concession conditional and therefore subject to revocation if the United States did not pressure Britain to abandon her blockade policies.¹²² The Secretary enclosed a memorandum, which outlined various points pertaining to the German concession, in his May 6 letter to President Wilson.¹²³ The memorandum contended that the German concession was not a concession to neutrals, as it was claimed, but to belligerents. This rationale was based on a study of the previous instructions to submarine commanders. According to these orders, submarines were instructed to follow cruiser rules for all vessels both within and outside of the war zone, with the exception of "enemy freight ships encountered in the war zone."¹²⁴ The memorandum observed that, since "enemy freight vessels encountered in the war zone" were the only vessels which were subject to attack without warning by submarines under the previous rules, these vessels were, apparently, the only beneficiaries under the new orders. "It is not apparent how this is 'a further concession,' as asserted 'to the interests of neutrals.'"¹²⁵ The memorandum concluded that the new orders were similar to the previous orders and that the issue was not the orders themselves, but the manner in which they were interpreted by the submarine commanders.¹²⁶

President Wilson sent the May 4 note to Colonel House as soon as it arrived so that House might render his opinion of it. House said that he felt that the concession was satisfactory, but advised that the United States should explain to Germany that the American government "would exercise its own judgment in regard to negotiations with other belligerents who infringe on our rights."¹²⁷ House felt that, since Germany had complied with President Wilson's demands, there was no reason to break relations with her. In a letter dated May 6, House advised the President that the United States ought to let Germany know through Bernstorff and Gerard that the least infraction of the Sussex pledge would cause a break in relations.¹²⁸

President Wilson decided to accept the May 4 note and to send a reply. Arthur Link observes that "he made his own decision, uninfluenced by House, Lansing, or the newspapers."¹²⁹ Wilson drafted a reply on May 7 and submitted it to Secretary Lansing the next day for discussion. Lansing said he thought the note was too long and he objected to the fact that Wilson had expressed relief that it had not been necessary to break relations with Germany. The Secretary redrafted the note, making revisions as he saw fit, and submitted it to Wilson for approval.¹³⁰ Wilson accepted it. "You are probably right about cutting out all 'satisfaction,'" he told Lansing, "and I am quite content to have the note go as you have amended it."¹³¹ The note, which was sent to Ambassador Gerard on May 8, 1916, accepted the concession of limiting the submarine war to belligerent forces, but rejected the idea that the concession depended on the United

States persuading Britain to alter her blockade policies.

The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other government affecting the rights of neutrals and non-combatants. Responsibility in such matters is single, not joint; absolute, not relative.¹³²

The Sussex pledge, which Germany issued on May 4, 1916, guaranteed that submarines would observe international law regarding merchant vessels in all waters. German naval forces received orders to exercise the right of visit and search when dealing with merchantmen. The instructions also stated that merchant vessels would not be attacked without warning and "without saving human lives," unless the vessels attempted to escape or offer resistance.¹³³ The Sussex pledge stabilized German-American relations until February, 1917, when the United States broke relations with Germany because of the unrestricted submarine warfare decree.

NOTES TO CHAPTER VIII

¹ Link, Wilson: Confusions and Crises, pp. 222-26.

² See above, this thesis, Chapt. VIII, pp. 302-3; Lansing, War Memoirs, pp. 144-5.

³ Link, Wilson: Confusions and Crises, p. 228; Spindler, La Guerre Sous-Marine, III, pp. 146-7. The following were the March 13, 1916, orders:

"Par principe, on ne s'approchera pas en surface des navires de commerce pour les visiter, examiner leurs papiers, etc.... La procédure normale sera l'attaque en plongée invisible. On pourra également arrêter les bâtiments au canon, à distance de sécurité... Si le commandant décide, pour quelque raison spéciale, de s'approcher en surface, il devra le faire avec la plus grande prudence...

"Les opérations reposant actuellement principalement sur l'emploi des torpilles, il ne sera plus tenu compte des anciennes instructions prescrivant aux sous-marins de garder deux torpilles pour leur traversée de retour afin d'attaquer éventuellement des bâtiments de guerre ou de se défendre...

"On n'attaquera que les navires qui, visiblement, suivant une route normale à vitesse normale; on supposera dans le cas contraire qu'il s'agit de bateaux-pièges... Comme il est maintenant avéré que toutes les pertes de sous-marins de l'année dernière sont dues à ce que les bâtiments se sont approchés en surface de navires armés de canons camouflés ou opérant en liaison avec des sous-marins, on peut espérer que le présent ordre en empêchera le retour."

⁴ Link, Wilson: Confusions and Crises, p. 228. This is Link's translation of Pustkuchen's account from Spindler, La Guerre Sous-Marine, III, pp. 170-1. The original text from Spindler is as follows:

"Le bâtiment ressemble à un paquebot de la Manche, mais il n'a qu'une cheminée et un pont spécial analogue à celui d'un navire de guerre. Comme il ne suit pas la route prescrite par l'Amirauté britannique aux navires de commerce (en dehors de bouées 8 et 9), il ne peut être un paquebot. Etant donné son arrière étrange je le prends pour un mouilleur de mines. Il ne porte aucun pavillon et est uniformément peint en noir.

"15 h. 55. Lancé. Au bout de 69 secondes, grosse explosion, distance 1.300 mètres. Tout l'avant du navire, jusqu'à la passerelle, est mis en morceaux. Le pont est couvert de monde. C'est un transport. Disparition non observée. Je m'éloigne en plongée."

⁵ Link, Wilson: Confusions and Crises, pp. 228, 239.

⁶ Ibid., p. 228; Lansing, War Memoirs, p. 132.

⁷ United States Foreign Relations Supplement 1916, p. 215, Ambassador in Great Britain (Page) to the Secretary of State, March 28, 1916.

⁸ Lansing, War Memoirs, pp. 131-2.

⁹ Ibid., p. 132.

¹⁰ Ibid.; also see Spindler, La Guerre Sous-Marine, III, p. 188.

¹¹ United States Foreign Relations Supplement 1916, p. 215; Link, Wilson: Confusions and Crises, p. 229.

¹² Lansing Papers, I, pp. 538-9, Secretary of State to President Wilson, March 27, 1916; Link, Wilson: Confusions and Crises, pp. 229-30; Lansing, War Memoirs, pp. 133-4; also see Smith, Lansing and American Neutrality, pp. 127-8.

¹³ Lansing Papers, I, p. 539, President Wilson to the Secretary of State, March 30, 1916.

¹⁴ Link, Wilson: Confusions and Crises, p. 230.

¹⁵ Seymour, Intimate Papers of Colonel House, II, pp. 225-6.

¹⁶ House Diary, March 28, 1916, as quoted in Link, Wilson: Confusions and Crises, pp. 230-1.

¹⁷ Ibid., pp. 229-31; United States Foreign Relations Supplement 1916, pp. 215-16, 220, the Secretary of State to the Ambassador in Germany (Gerard), March 28, 1916, and March 29, 1916, and April 1, 1916.

¹⁸ Link, Wilson: Confusions and Crises, p. 231; Seymour, Intimate Papers of Colonel House, II, p. 226.

¹⁹ Ibid., pp. 226-7.

²⁰ Ibid., II, p. 227; Link, Wilson: Confusions and Crises, p. 231.

²¹ Seymour, Intimate Papers of Colonel House, II, p. 227.

- 22 Ibid., p. 228.
- 23 Link, Wilson: Confusions and Crises, p. 232.
- 24 Seymour, Intimate Papers of Colonel House, II, p. 229.
- 25 May, World War and American Isolation, p. 191.
- 26 Smith, Lansing and American Neutrality, pp. 128, 209, n. 123. Smith cites the New York Tribune poll which said that out of 81 senators and 318 members of the House of Representatives who answered the poll, only 4 felt that the Sussex incident was sufficient cause to go to war.
- 27 Ritter, Sword and the Scepter, III, p. 170; Hans Peter Hansen, Diary of a Dying Empire, trans. Oscar Osburn Winther, ed. by Ralph H. Lutz, Mary Schofield, and O. O. Winther (Bloomington: Indiana Univ. Press, 1955), p. 130.
- 28 Ritter, Sword and the Scepter, III, p. 170; Link, Wilson: Confusions and Crises, p. 233; also see Birnbaum, Peace Moves and U-Boat Warfare, p. 66; Hanssen, Diary of a Dying Empire, pp. 135-43.
- 29 New York Times, 6 April 1916, p. 2; Link, Wilson: Confusions and Crises, p. 235.
- 30 Official German Documents, II, pp. 1150-1, Dr. Kaempf, President of the Reichstag to Imperial Chancellor v. Bethmann Hollweg, April 6, 1916; Ritter, Sword and the Scepter, III, p. 171.
- 31 Link, Wilson: Confusions and Crises, pp. 235-6.
- 32 Birnbaum, Peace Moves and U-Boat Warfare, pp. 66-7.
- 33 Ibid., pp. 68-9.
- 34 Link, Wilson: Confusions and Crises, p. 239.
- 35 United States Foreign Relations Supplement 1916, p. 225, Ambassador in Germany (Gerard) to the Secretary of State, April 6, 1916; Link, Wilson: Confusions and Crises, p. 239-40.
- 36 Ibid., p. 240.

37 Ibid., p. 240 (see n. 73).

38 Ibid., p. 240.

39 United States Foreign Relations Supplement 1916, p. 228, Ambassador in Germany (Gerard) to the Secretary of State, April 11, 1916.

40 Ibid., pp. 228-9; Link, Wilson: Confusions and Crises, p. 241 (see n. 75). Link observes that the photograph of the Sussex that appeared in the Daily Graphic had been taken before the war and that "the Sussex had recently undergone alterations that made her look very much like a warship—and like the vessel that Pustkuchen depicted in his sketch."

41 Lansing Papers, I, pp. 545-6, German Secretary of State for Foreign Affairs (Jagow) to the German Ambassador (Bernstorff), (translation), Berlin, April 11, 1916; Link, Wilson: Confusions and Crises, p. 241.

42 Ibid., p. 242; Official German Documents, II, p. 971, Secretary of State v. Jagow to Ambassador Count Bernstorff, April 11, 1916.

43 Link, Wilson: Confusions and Crises, p. 236; United States Foreign Relations Supplement 1916, pp. 215-23, contains documents which give evidence on the Sussex incident; United States Department of State, Diplomatic Correspondence with Belligerent Governments Relating to Neutral Rights and Duties in the European War, No. 3 (Washington: GPO, 1916), pp. 249-301, contains reports of U.S. naval attachés and affidavits and depositions of persons on board the Sussex.

44 Link, Wilson: Confusions and Crises, p. 326; also see Seymour, Intimate Papers of Colonel House, II, pp. 229-30.

45 Lansing Papers, I, pp. 540-42, Draft Instructions to the Ambassador in Germany (Gerard); Link, Wilson: Confusions and Crises, p. 236.

46 Seymour, Intimate Papers of Colonel House, II, p. 230; Link, Wilson: Confusions and Crises, p. 237; Smith, Lansing and American Neutrality, p. 128.

47 Seymour, Intimate Papers of Colonel House, II, p. 231; Link, Wilson: Confusions and Crises, p. 237.

48 Ibid.; New York Times, 8 April 1916, p. 2, col. 6.

49 Seymour, Intimate Papers of Colonel House, II, pp. 233-4, entry for April 8, 1916; also see Count Bernstorff, My Three Years in America, p. 245; Link, Wilson: Confusions and Crises, p. 238; Charles Seymour, "The House-Bernstorff Conversations in Perspective," Studies in Diplomatic History and Historiography in Honor of G.P. Gooch, ed. A. O. Sarkissian (New York: Barnes & Noble, 1961), p. 99.

50 Bernstorff, My Three Years in America, p. 245; Link, Wilson: Confusions and Crises, p. 239; Birnbaum, Peace Moves and U-Boat Warfare, p. 70. The telegram arrived on April 11.

51 Link, Wilson: Confusions and Crises, p. 239.

52 From Wilson's typed draft in the Wilson Papers as quoted in Link, Wilson: Confusions and Crises, pp. 243-4.

53 Seymour, Intimate Papers of Colonel House, II, pp. 235-6; Link, Wilson: Confusions and Crises, pp. 244-5.

54 Ibid., p. 245; also see Seymour, Intimate Papers of Colonel House, II, p. 236.

55 Lansing Papers, I, p. 546.

56 Ibid., pp. 546-7, Secretary of State to President Wilson, April 12, 1916.

57 Lansing, War Memoirs, p. 137.

58 Lansing Papers, I, p. 546; Lansing, War Memoirs, p. 137.

59 Ibid., p. 138 (also see pp. 139-40, for more of Lansing's objections to the note, in particular, and Wilsonian style, in general); Lansing Papers, I, pp. 549-50, Secretary of State to President Wilson, April 15, 1916; Link, Wilson: Confusions and Crises, pp. 249-50.

60 Lansing, War Memoirs, p. 139; Link, Wilson: Confusions and Crises, p. 250; United States Foreign Relations Supplement 1916, p. 234, Secretary of State to the Ambassador in Germany (Gerard), April 18, 1916. The final version is as follows: "Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but..."

⁶¹ Seymour, Intimate Papers of Colonel House, II, p. 238, Colonel House to the President, New York, April 15, 1916; Link, Wilson: Confusions and Crises, p. 248.

⁶² Ibid., p. 249.

⁶³ Ibid., pp. 245-50. Wilson did not feel that Congress would be receptive to the idea and was afraid that it might spark another rebellion. Seymour, Intimate Papers of Colonel House, II, pp. 235-6, entry for April 11, 1916. He discussed this problem with House on April 11. House advised him to break relations with Germany, and then inform Congress.

⁶⁴ Link, Wilson: Confusions and Crises, p. 251.

⁶⁵ Lansing Papers, I, pp. 554-5, German Foreign Office to the German Embassy; Link, Wilson: Confusions and Crises, p. 251.

⁶⁶ Lansing Papers, I, pp. 552-4, Memorandum by the Secretary of State of a Conversation with the German Ambassador (Bernstorff), April 18, 1916; Link, Wilson: Confusions and Crises, pp. 251-2.

⁶⁷ Bernstorff, My Three Years in America, p. 248.

⁶⁸ Link, Wilson: Confusions and Crises, p. 252.

⁶⁹ Birnbaum, Peace Moves and U-Boat Warfare, pp. 72, 77; Bernstorff, My Three Years in America, pp. 243-4.

⁷⁰ Ibid., p. 244; also see Birnbaum, Peace Moves and U-Boat Warfare, pp. 74-5.

⁷¹ Ibid., pp. 77, 72; Bernstorff, My Three Years in America, pp. 244-5.

⁷² Birnbaum, Peace Moves and U-Boat Warfare, pp. 72-3; also see United States Foreign Relations Supplement 1916, pp. 232-4, Secretary of State to the Ambassador in Germany (Gerard), April 18, 1916.

⁷³ Lansing Papers, I, pp. 555-9, Memorandum by the Secretary of State of a Conversation with the German Ambassador (Bernstorff), April 20, 1916.

⁷⁴ Smith, Lansing and American Neutrality, p. 129.

75 Link, Wilson: Confusions and Crises, p. 262, n. 23.

76 Baker, Woodrow Wilson: Life and Letters, Vol. 6, p. 191; Smith, Lansing and American Neutrality, pp. 129-30. Apparently Bernstorff was acting without instructions. Lansing Papers, I, p. 557.

77 Birnbaum, Peace Moves and U-Boat Warfare, pp. 72-3; Link, Wilson: Confusions and Crises, pp. 262-3.

78 E.M. House to W. W., April 25, 1916, Wilson Papers, as quoted in Link, Wilson: Confusions and Crises, p. 264; Seymour, Intimate Papers of Colonel House, II, p. 239, Colonel House to the President, New York, April 25, 1916. House also intimated that, if Germany complied with the American demands, the United States would be inclined to make a peace offer. Also see Birnbaum, Peace Moves and U-Boat Warfare, p. 73.

79 Link, Wilson: Confusions and Crises, pp. 262-3; Birnbaum, Peace Moves and U-Boat Warfare, pp. 73-4. Lansing had recommended an abandonment of submarine warfare to Bernstorff on April 20. He said that there might be the possibility of discussing the legal use of the submarine. Lansing Papers, I, p. 557.

80 Link, Wilson: Confusions and Crises, pp. 256-9; Ritter, Sword and the Scepter, III, p. 172; Birnbaum, Peace Moves and U-Boat Warfare, p. 75; G8rlitz, Kaiser and His Court, p. 151, entries for April 21, 1916, and April 22, 1916.

81 Birnbaum, Peace Moves and U-Boat Warfare, pp. 76-8; Link, Wilson: Confusions and Crises, pp. 259-60.

82 Birnbaum, Peace Moves and U-Boat Warfare, p. 78, n.1. Birnbaum says that Holtzendorff's position was not clear at this point. Also see Ritter, Sword and the Scepter, III, p. 173.

83 Birnbaum, Peace Moves and U-Boat Warfare, pp. 78-9.

84 Link, Wilson: Confusions and Crises, p. 260 (see n. 16); Ritter, Sword and the Scepter, III, p. 173.

85 Birnbaum, Peace Moves and U-Boat Warfare, p. 79; Link, Wilson: Confusions and Crises, p. 261.

86 United States Foreign Relations Supplement 1916, pp. 243-4, American Ambassador in Germany (Gerard) to the Secretary of State,

April 25, 1916; Link, Wilson: Confusions and Crises, p. 261; Birnbaum, Peace Moves and U-Boat Warfare, p. 77.

87 Ibid., p. 79; Link, Wilson: Confusions and Crises, p. 261.

88 Birnbaum, Peace Moves and U-Boat Warfare, pp. 79-81; Link, Wilson: Confusions and Crises, p. 265; Ritter, Sword and the Scepter, III, p. 173.

89 Birnbaum, Peace Moves and U-Boat Warfare, p. 81; Link, Wilson: Confusions and Crises, p. 265; Ritter, Sword and the Scepter, III, p. 173.

90 Birnbaum, Peace Moves and U-Boat Warfare, p. 81; Link, Wilson: Confusions and Crises, p. 265; Link, Wilson: Struggle for Neutrality, pp. 667-8; Admiral Scheer, Germany's High Sea Fleet in the World War (London: Cassell & Co., Ltd., 1920), pp. 242-3.

91 Link, Wilson: Confusions and Crises, pp. 265-6.

92 Görlitz, Kaiser and His Court, pp. 152-3, entry for April 27, 1916; Birnbaum, Peace Moves and U-Boat Warfare, pp. 81-2; Link, Wilson: Confusions and Crises, p. 266; also see Tirpitz, My Memoirs, II, p. 422.

93 T. von Bethmann Hollweg to G. von Jagow, April 28, 1916, German Foreign Office Archives as quoted in Link, Wilson: Confusions and Crises, pp. 266-7.

94 Ibid., p. 267.

95 Ibid.

96 Görlitz, Kaiser and His Court, p. 153, entry for April 30, 1916; Link, Wilson: Confusions and Crises, p. 267.

97 Birnbaum, Peace Moves and U-Boat Warfare, pp. 82-3.

98 Görlitz, Kaiser and His Court, pp. 154-5; Link, Wilson: Confusions and Crises, p. 267.

99 Spindler, La Guerre Sous-Marine, III, pp. 194-6, as quoted in Link, Wilson: Confusions and Crises, pp. 267-8; Birnbaum, Peace Moves and U-Boat Warfare, p. 86.

- 100 Görlitz, Kaiser and His Court, pp. 153-45, entry for April 30, 1916; Link, Wilson: Confusions and Crises, pp. 268-9.
- 101 Birnbaum, Peace Moves and U-Boat Warfare, pp. 84-6.
- 102 Ibid., p. 86.
- 103 Ritter, Sword and the Scepter, III, p. 174.
- 104 Birnbaum, Peace Moves and U-Boat Warfare, p. 83.
- 105 Ritter, Sword and the Scepter, III, p. 174.
- 106 Gerard, My Four Years in Germany, pp. 244-5. Gerard notes that the allusion the Kaiser made was to a meeting between Quintus Fabius Maximus and Hannibal. "By this he referred, of course, to the episode in which Quintus Fabius Maximus, Chief of the Roman envoys sent to Hannibal in the second Punic War, doubled his toga in his hand, held it up and said: 'In this fold I carry peace and war; choose which you will have.' 'Give us which you prefer,' was the reply. 'Then take war,' answered the Roman, letting the toga fall. 'We accept the gift,' cried the Carthaginian Senator, 'and welcome.'" See also Link, Wilson: Confusions and Crises, p. 269.
- 107 Görlitz, Kaiser and His Court, p. 154, entry for May 1.
- 108 Birnbaum, Peace Moves and U-Boat Warfare, p. 87.
- 109 Link, Wilson: Confusions and Crises, p. 269.
- 110 Görlitz, Kaiser and His Court, p. 155, entries for May 2, 1916 and May 3, 1916; Birnbaum, Peace Moves and U-Boat Warfare, p. 87.
- 111 The draft was the product of much correspondence and de-liberation. Arthur Link reports that there are at least eight different drafts of this note in the German Foreign Office Archives. Link, Wilson: Confusions and Crises, p. 270, n. 54.
- 112 United States Foreign Relations Supplement 1916, pp. 257-8, Ambassador in Germany (Gerard) to the Secretary of State, May 4, 1916.
- 113 Link, Wilson: Confusions and Crises, p. 270.
- 114 United States Foreign Relations Supplement 1916, p. 258.

115 Birnbaum, Peace Moves and U-Boat Warfare, pp. 88-90; also see Link, Wilson: Confusions and Crises, p. 271.

116 The July 23, 1915, American note was the third Lusitania note. Ritter, Sword and the Scepter, III, p. 175.

117 United States Foreign Relations Supplement 1916, pp. 259-60.

118 According to Greek legend, Damocles was a courtier of Syracuse who talked too much about the happiness of being a king. In order to demonstrate the perils of being a ruler, his own King Dionysius seated Damocles at a banquet below a sword which was suspended by a hair.

119 Ambassador von Bernstorff to the Foreign Office, May 2, 1916, "Bernstorff Wireless Dispatches--1916," as quoted in Link, Wilson: Confusions and Crises, p. 273.

120 United States Foreign Relations Supplement 1916, pp. 265-6, Ambassador in Germany (Gerard) to the Secretary of State, May 8, 1916; Link, Wilson: Confusions and Crises, pp. 273-4.

121 Lansing Papers, I, pp. 563-4, Secretary of State to President Wilson, May 6, 1916; Link, Wilson: Confusions and Crises, p. 275.

122 Lansing, War Memoirs, p. 142.

123 Smith, Lansing and American Neutrality, p. 130; Link, Wilson: Confusions and Crises, p. 275.

124 Lansing Papers, I, pp. 564-5, Memorandum on the New Orders to Submarine Commanders as Contained in the German Note of May 4, 1916; A statement of these orders is contained in the note. See United States Foreign Relations Supplement 1916, p. 257, last paragraph.

125 Lansing Papers, I, p. 565.

126 Ibid., Memorandum on the New Orders to Submarine Commanders as Contained in the German Note of May 4, 1916. "Sixth: Unless the German Government states frankly that the rule as to visit and search will be applied in the customary manner and that it will not be interpreted as it has been by the German submarine forces under their previous orders, the new orders in no way lessen the danger to life or restore to neutrals their just rights on the high seas.

"Seventh: In view of the similarity of the previous orders and the new orders, and the way that the previous orders have been carried out, the new orders do not constitute a declaration of abandonment of the present methods of warfare." Also see Link, Wilson: Confusions and Crises, p. 275.

127 Baker, Woodrow Wilson: Life and Letters, Vol. 6, p. 196, n. 4.

128 Seymour, Intimate Papers of Colonel House, II, pp. 242-3, Colonel House to the President, New York, May 6, 1916.

129 Link, Wilson: Confusions and Crises, p. 275.

130 Lansing, War Memoirs, pp. 143-4; Link, Wilson: Confusions and Crises, pp. 275-7.

131 Lansing Papers, I, p. 566, President Wilson to Secretary Lansing, May 8, 1916.

132 United States Foreign Relations Supplement 1916, p. 263, Secretary of State to the Ambassador in Germany (Gerard), May 8, 1916.

133 Ibid., p. 259, Ambassador in Germany (Gerard) to the Secretary of State, May 4, 1916.

CHAPTER IX

THE DECISION FOR UNRESTRICTED SUBMARINE WARFARE

Although the decision for unrestricted submarine warfare was made during the winter of 1916-1917, events during the period from late May onwards created an atmosphere of urgency for the implementation of the ruthless U-boat war. Individuals within the navy had been advocating unrestricted submarine warfare for sometime and they were to gain more supporters within all facets of the German government during this period. When the final decision was made, only a few people within the Foreign Office still opposed unrestricted submarine warfare. The pressure for the U-boat campaign emanated from the High Sea Fleet late in the spring of 1916.

By the winter of 1916-1917, the Chancellor and Minister of the Interior, Karl Helfferich, and the Chief of the Civilian Cabinet, Rudolf von Valentini, were the only governmental officials who opposed the proposed campaign. Chief of the High Sea Fleet, Admiral Scheer, and individuals within the Admiralty Staff pressured Admiralty Staff Chief Holtzendorff and the military authorities to implement the plan. Admiral Holtzendorff's position on submarine warfare was that he supported its eventual implementation but advocated a limited campaign as an interim measure. Holtzendorff had been relatively flexible in his position and had, for example, co-operated with the Foreign Office during the Sussex crisis to avoid a break with the United States.

However, Holtzendorff was pressured into supporting unrestricted submarine warfare by Scheer and members of the Admiralty Staff during the winter of 1916-1917. General Falkenhayn, the Chief of the General Staff, had been in favor of unrestricted submarine warfare since the winter of 1915 and continued to advance this position until he was replaced by Field Marshal Paul von Hindenburg and General Erich Ludendorff in August, 1916. At that time, Hindenburg and Ludendorff indicated their support for submarine warfare, should the military situation on the continent improve. The military situation was uncertain when Hindenburg and Ludendorff came to power and they felt that Germany could not risk the entry into the war of European neutrals such as Holland and Denmark as a result of the submarine campaign. Therefore the campaign was postponed in August, 1916, to await the improvement in the military situation. By December, 1916, Hindenburg and Ludendorff had ascertained that unrestricted submarine warfare was possible because of the fall of Rumania. Also, General Ludendorff felt that the Western Front would benefit from the campaign, because it would curtail the flow of supplies to the Entente forces.

Chancellor Bethmann Hollweg no longer enjoyed the support of military or naval officials in his policy of postponing unrestricted submarine warfare. He was further isolated by the fall of Foreign Secretary von Jagow in November, 1916. Jagow was replaced by Arthur Zimmermann, who was sympathetic to the U-boat enthusiasts. In October, 1916, Bethmann lost the support of the majority of the Reichstag when it passed a resolution, introduced by the Zentrum Party, which stipulated that the Chancellor would be guided by the opinion of the

supreme command in the decision for unrestricted submarine warfare. Thus deprived of support for his policies on submarine warfare, Bethmann Hollweg withdrew his objections and endorsed the decision on January 9, 1917, to implement the campaign. The final decision was made for military reasons; legal considerations were not an issue.

The Sussex incident of March, 1916, caused Germany to issue the Sussex pledge, which guaranteed that submarines would observe cruiser rules of warfare in dealing with merchantmen in all waters. Chief of the High Sea Fleet Admiral Reinhold Scheer felt that it was too dangerous for submarines to follow cruiser rules and, therefore, he withdrew all submarines from the war zone.¹ Having effectively cancelled the submarine campaign against commercial vessels, Admiral Scheer continued to exert pressure for the unlimited use of the submarine. Admiral Scheer's efforts gained new impetus after the tactical victory in the May 31, 1916, Battle of Jutland. This encounter with the British Fleet in the Skagerrak lifted the morale of the restless and idle navy² and provided Admiral Scheer with increased prestige.³ Scheer records, in Germany's High Sea Fleet in the World War, that the aftermath of the battle provided an excellent opportunity to reintroduce the subject of unrestricted submarine warfare. "To my idea the moral impression which this battle left on the neutral nations created a most favorable atmosphere for us to carry on the war against England by all possible means, and to resume the U-boat campaign in all its intensity."⁴ The Admiral had been a staunch supporter of unrestricted submarine warfare since 1914.⁵ Enthusiasm within the High Sea Fleet and the Navy Corps for the use of unre-

stricted submarine warfare was widespread. Consequently, Admiralty Staff Chief Admiral Henning von Holtzendorff had lost the confidence of Scheer and most of the other naval commanders, because of Holtzendorff's co-operation with the Foreign Office on the submarine issue.⁶ Whereas Admiral Scheer felt that Britain could be defeated at sea only through the use of unrestricted submarine warfare,⁷ Admiral Holtzendorff proposed a restricted use of the submarine to preserve relations with the United States.⁸ Holtzendorff hoped to secure the approval of both the civilian and naval leaders for some sort of limited campaign. During May, 1916, he submitted a plan for such a campaign to Chancellor Bethmann Hollweg. It provided for a blockade of the British Isles through the use of cruiser rules of warfare and the extension of contraband lists. In addition, armed merchantmen were to be sunk without warning, whereas passenger vessels would be spared.⁹ The Chancellor rejected this proposal on June 13, saying that it would create greater hardships for neutrals than did the British blockade and that neutrals might, therefore, retaliate by restricting exports to Germany. Moreover, he emphasized the precarious military situation, indicating to the Admiralty Staff Chief that the Russian offensive in Galacia had worsened the Austro-Hungarian military situation, thus creating the danger of a Rumanian entry into the war.¹⁰

Secretary of State for Foreign Affairs, Gottlieb von Jagow, sent Ambassador Bernsdorff a telegram on June 12, 1916, informing him of the fact that the army and navy were urging the resumption of submarine warfare. Jagow asked Bernstorff if President Woodrow

Wilson, after his nomination for the presidency by the Democratic Party, would be inclined to break relations with Germany should she resume submarine warfare with provisions to spare human life.¹¹

Count Johann von Bernstorff replied, three days after the receipt of the telegram in Washington,¹² that the United States would break relations with Germany and enter the war against her, should renewed submarine warfare rescind or modify the Sussex pledge.¹³ Count

Eduard Montgelas, the expert on American affairs at the Foreign Office, submitted a memorandum on June 19 which said that Wilson would probably not modify his position on submarine warfare in the event of a new submarine crisis. Montgelas felt that President Wilson would probably break relations with Germany.¹⁴ Karl E. Birnbaum, in Peace

Moves and U-Boat Warfare, states that Bernstorff's June 19 telegram and Montgelas' memo, which was also dated June 19, determined the Chancellor's position on submarine warfare vis-à-vis Admiral Holtzendorff's position in view of the Admiral's projected audience with Kaiser Wilhelm II in late June.¹⁵ Bethmann's objections, elicited in late June, to the resumption of submarine warfare were phrased in terms of the effect on German-American policy. The Chancellor felt that, if the submarine campaign was reinstated, it would probably lead to a conflict with the United States. He maintained that even the strictest orders to submarine commanders would not prevent them from mistaking passenger vessels for war transport vessels.

Should new submarine incidents occur, the Chancellor was certain that the United States would sever relations with Germany; consequently, he was opposed to the implementation of a commercial submarine cam-

paign.¹⁶

Admiral Scheer also opposed the plan for a limited submarine campaign which was advanced by the Admiralty Staff, but for different reasons. The Chief of the High Sea Fleet opposed anything less than unrestricted submarine warfare.¹⁷ Scheer maintains that the Naval Staff requested his opinions on submarine warfare on June 20 in order that it might prepare a memorandum on the subject for the Kaiser, and that he submitted this opinion:

I replied that in view of the situation I was in favour of the unrestricted U-boat campaign against commerce, in the form of a blockade of the British coast, that I objected to any milder form, and I suggested that, if owing to the political situation we could not make use of this, our sharpest weapon, there was nothing for it but to use the U-boats for military purposes.¹⁸

Arthur Link terms Scheer's position blackmail. "Scheer went so far as to blackmail Holtzendorff by asserting on June 21, in a telegram destined also for the eyes of the Emperor, William II, that the only alternative to an unlimited campaign was use of submarines in purely military operations against the British fleet."¹⁹ In any event, Admiral Scheer steadfastly defended his views. The Chief of the Naval Cabinet, Admiral von Müller, wrote Admiral Scheer a letter on June 23, explaining the situation and urging Scheer to co-operate with Admiral Holtzendorff.

The Chief of the Naval Staff has given me your letter to read on this subject; its conclusions may be summed up in the words, 'Either everything or nothing.' I can fully sympathise with you in your point of view, but unfortunately the matter is not so simple. We were forced, though with rage in our hearts, to make concessions to America, and in so doing to the neutrals in general but, on the other hand, we cannot wholly renounce the small interruptions of trade that it is still possible for

us to carry out, which are proving of considerable value, too in the Mediterranean. It is the thankless task of the Chief of the Naval Staff to try and find some way of making this possible in British waters as well. And it is my opinion that the Chief of the Fleet should assist him in this as far as in him lies, by bringing about a compromise between the harsh professional conception of the U-boat weapon and the general, political and military demands which the Chief of the Naval Staff has to satisfy. Of course, to that end it is necessary that the Chief of the Fleet should unreservedly acknowledge the decisions of the All Highest with regard to the limitation of the U-boat campaign, as result of the most serious deliberation upon the military, political and economic situation.²⁰

Admiral Scheer replied on June 28 that he had done his duty in giving his opinions to the Naval Staff and that nothing more could be expected of him. Thus Admiral Müller's attempt to reconcile the differences between the Fleet command and Naval Staff failed.²¹

The Chief of the Naval Staff conferred with Admiral Müller and Chancellor Bethmann Hollweg and others who persuaded him that the military situation was too uncertain to risk complications with the United States or other neutrals.²² Admiral Holtzendorff's audience with the Emperor on the subject of submarine warfare took place on June 30. In view of the fact that the Chancellor wanted to avoid all possibilities of conflict with the United States, and the fact that the Chief of the High Sea Fleet felt that a purely military campaign would be successful, the Kaiser decided on a limited submarine campaign. Submarines attached to the High Sea Fleet would be limited solely to military operations in July—they had been operating in this manner since April. The Kaiser decided to defer the decision concerning commercial submarine warfare to a later date. Submarine operations in the Mediterranean would continue as before. The Kaiser

had approved the kind of limited submarine campaign which Admiral Holtzendorff had advocated.²³

The Chief of the Naval Staff informed Admiral Scheer of the Kaiser's decision to opt for a limited submarine campaign instead of a ruthless U-boat war.²⁴ On June 30, Chancellor Bethmann Hollweg told Admiral Scheer that he would continue to oppose unrestricted submarine warfare "which would place the fate of the German Empire in the hands of a U-boat commander."²⁵

The military situation deteriorated rapidly during the summer of 1916, thus causing a crisis in the German government. French and English forces engaged German troops on the Somme River in northern France, in July, in an effort to relieve pressure on the French army at Verdun. The Battle of the Somme was timed to coincide with the Russian offensive under General Brusilov in Poland.²⁶ Losses on the Austro-Hungarian Front, in particular the loss of Bukovina²⁷ which encouraged Rumania to enter the war, were compounded by the loss of morale and confidence in leadership. By mid-June the situation had disintegrated to the point where King Ferdinand and Crown Prince Boris were urging a unified German command in the east, preferably under Field Marshal Paul von Hindenburg; furthermore, they were demanding the resignation of Archduke Frederic, the Austrian Commander-in-Chief, who was known to be incompetent.²⁸ The Austrian military leadership was preoccupied with petty squabbles and intrigues. These developments served to exacerbate the traditional problem of co-ordinating commands.²⁹

The German Chief of the General Staff, General Erich von Falkenhayn, chose this time to reintroduce the subject of submarine warfare. Soon after the beginning of the Battle of the Somme, General Falkenhayn initiated a discussion among the General Staff, the Admiralty Staff, the Marine Corps in Flanders, and the Chancellor, on the possibility of using submarines to interrupt enemy transport of troops and materiel in the English Channel in order to relieve pressure on the Western Front. The Marine Corps and Admiralty Staff advocated that the English Channel be declared a war zone, and that such a declaration be accompanied by an announcement that all vessels traveling in the English Channel would be subject to attack without warning. Although this proposal was never implemented, it provided the basis for renewed discussion of submarine warfare at a crucial period of the war.³⁰ Admiral Holtzendorff discussed this proposal with the Kaiser on August 2, and the Kaiser told him to discuss it with the Chancellor.³¹ Bethmann vehemently opposed the proposed submarine campaign. He maintained that another submarine incident such as the *Sussex* would lead to war with the United States.³² Holtzendorff scuttled the plan in mid-August with the approval of General Falkenhayn and other military and civilian leaders, because of the precarious military situation and the dangers of antagonizing the United States.³³

The situation changed, however, in late August, when General Falkenhayn and Admiral Holtzendorff united in demanding unlimited U-boat warfare. They used the erroneous report issued by the Wolff News Bureau that the British intended to arm all merchant vessels as

a pretext for their demand.³⁴ The false report was probably circulated by Captain Karl Boy-Ed, the former Naval Attaché to Washington who was the Chief of the Press Department of the Admiralty Staff at that time, in order to stimulate the renewal of submarine warfare.³⁵ Members of Admiral Holtzendorff's own staff urged the adoption of unrestricted submarine warfare. The department for military and political affairs and economic warfare of the Admiralty Staff had recently completed a study under the direction of the department chief, Captain Kurt Grasshoff, on the economic situation in Britain, focusing on the available cargo space and food supplies. Captain Grasshoff's department drafted a memorandum as a result of the study, demonstrating that the most propitious time for the implementation of unrestricted submarine warfare had arrived. The purpose of the memorandum was to bring pressure on the Admiralty Staff Chief to begin unrestricted submarine warfare. Karl E. Birnbaum concludes that:

This memorandum seems to have been the immediate reason for Holtzendorff's new initiative at the end of August 1916. The Admiral's decision, however, was undoubtedly also greatly influenced by the feeling in favour of a speedy commencement of unlimited U-boat war prevailing at Wilhelmshaven.³⁶

Admiral Holtzendorff had been under a lot of pressure from the Chief of the High Sea Fleet, Admiral Scheer, and his staff since Holtzendorff's conference with the Kaiser on June 30. There had been marked antagonism between the two men since then, because of their difference of opinion on the submarine issue. Scheer and his staff had been among those who pressured for unrestricted submarine warfare during the summer of 1916.³⁷

Admiral Holtzendorff traveled to Pless Castle in Silesia, which was the Supreme Headquarters in the east, on the fateful day of August 27, 1916, to urge the Chancellor, General Falkenhayn and the Kaiser to consent to an unrestricted submarine campaign. He arrived that evening to find the German leadership in a state of shock. Italy had declared war on Germany, and Rumania had entered the war against Austria-Hungary. On the following day, it was learned that Rumania had also declared war on Germany.³⁸ The Kaiser was disconsolate. "This means the End of the war!" he told General Moriz Freiherr von Lyncker, the Chief of the Military Cabinet, when he heard of Rumania's entry into the war against Austria-Hungary. "Austria will have to sue for peace and then we must take charge of the peace negotiations," the Kaiser declared.³⁹

The military situation for the Central Powers became critical as a result of these events. The armies of the Central Powers were now heavily engaged in all of the theaters of war and, therefore, were confronted with the problem of allocating troops and material to carry on the war. The most immediate effect of the Rumanian declaration of war was the removal of General Erich von Falkenhayn as Chief of the General Staff. Up until this time, the Kaiser had resisted pressure from all quarters, including the Chancellor Bethmann Hollweg, to replace Falkenhayn with Field Marshal Hindenburg, who was the Commander-in-Chief of the forces on the Eastern Front.⁴⁰ Although General Falkenhayn was in no way responsible for Rumania's entry into the war,⁴¹ this event cast doubt on the validity of his strategy, which focused on the Western Front as the main theater of

war. He continued to advance this policy even during the summer of 1916 when Austro-Hungarian forces were facing serious reversals in the east.⁴² After the Rumanian declaration of war, the Prussian Minister of War, General Adolf Wild von Hohenborn, who had been a loyal supporter of Falkenhayn's, became critical of the Chief of the General Staff,⁴³ and all of the Cabinet Chiefs advised the Kaiser that Falkenhayn would have to be replaced.⁴⁴ The decision was a highly emotional one for the Kaiser, who shed tears over the loss of General Falkenhayn who had served as his chief military adviser since September, 1914.⁴⁵

Some of the Kaiser's dismay over the change in the supreme command was undoubtedly caused by his distrust of the new Chief of the General Staff. He had opposed all efforts to elevate Hindenburg and his associate, General Erich von Ludendorff, because of their popularity and their power. When the Chief of the Military Cabinet, General von Lyncker, had suggested to the Kaiser, on July 3, that Hindenburg be given the supreme command in the east, the Kaiser recoiled in disgust. He said that it meant his abdication with "Hindenburg becoming the peoples' Tribune in his place."⁴⁶ Moreover, he distrusted Ludendorff because of his ambition and had referred to him in conversation as a "dubious character."⁴⁷

General von Lyncker telephoned Field Marshal Hindenburg at Brest-Litovsk on August 28 at one o'clock in the afternoon. He told Hindenburg that the Kaiser had ordered the Field Marshal and General Ludendorff to meet with him at Pless immediately. Lyncker gave no reason for the Kaiser's summons but said that the situation was seri-

ous. General Falkenhayn had not been informed of the Kaiser's decision, General Lyncker continued, and would not be told until after the Field Marshal and General Ludendorff arrived at Pless.⁴⁸ Later that evening the Kaiser called General Falkenhayn and told him that he intended to ask Hindenburg and Ludendorff for advice on the military situation. During a subsequent conversation with the Kaiser, Falkenhayn protested this action as "a sign of mistrust to which he could not submit." He asked to resign and the Kaiser consented.⁴⁹ Hindenburg and Ludendorff were greeted in Pless by the Chief of the Military Cabinet, General von Lyncker, at 10:00 a. m. on August 29, with the news that they would share the responsibilities of Chief of the General Staff. Their appointments were formally conferred on them by the Kaiser at Pless Castle later that day in the presence of the Chancellor and the Kaiserin. Hindenburg was appointed Chief of the General Staff and General Ludendorff was given the title of First Quartermaster-General.⁵⁰ Hindenburg and Ludendorff were to share the authority of the head of the supreme army command, the Oberste Heeresleitung (OHL); however, Hindenburg was appointed the Chief of the General Staff and Ludendorff was to be his assistant. The position of First Quartermaster-General was specially created for Ludendorff.

Hindenburg was by far the most popular man in Germany at this time, because of the military achievements he shared with General Ludendorff on the Eastern Front. A cult had been formed on the basis of his military achievements, so that Hindenburg the man had become eclipsed by the shadow of his own legend. Wooden statues had

been erected everywhere in his honor with much public fanfare and devotion.⁵¹ According to John Wheeler-Bennett, in Wooden Titan: Hindenburg in Twenty Years of German History, the Hindenburg cult and the veneration of wooden statues carved to resemble Hindenburg was symbolic of German mythology and of Hindenburg's character.

And if the figures and their cult were significant of the German people as a whole, they were even more symbolic of Hindenburg. A Wooden Titan he had become, and remained so to the end; a figurehead carved upon the prow of the German barque to ward off evil spirits and to bring good fortune; a dumb god to whom prayers might be offered but from whom no word would come. The German people had created for themselves an idol not of clay but of wood, which the dry-rot of intrigue would enter and destroy, leaving but a hollow shell.⁵²

Hindenburg's alter ego, General Ludendorff, was known to be the most dominate of the two men. Although they were inseparable friends, they had very different personalities. Hindenburg was a modest, naive, retiring man who appeared to lack ambition. When the Kaiser summoned him to Pless on August 28, he should have realized, according to Wheeler-Bennett, that it meant the fall of Falkenhayn and his possible rise to a higher position; yet he did not. He was too simple, too naive.⁵³ Ludendorff, on the other hand, was ambitious, ruthless, arrogant and egotistical, and he was the more brilliant of the two men.⁵⁴ Together they shared the position of the head of the supreme command; but in reality, Hindenburg was merely a figurehead and Ludendorff made the actual decisions.⁵⁵

Paul von Hindenburg's popularity with the German people had made him attractive as a successor to General Falkenhayn. Confronted with mounting military losses, lack of co-operation and petty intrigues

within the various military departments and general political disunity, German leaders became desperate for a unifying agent. After Rumania declared war on Germany, none of the political or military leaders were willing to allow General Falkenhayn to retain his post as Chief of the General Staff. Hindenburg and Ludendorff had come to be regarded as saviors after the August, 1914, Battle of Tannenberg and other military successes on the Eastern Front.⁵⁶ Many German leaders felt that the people would rally behind Hindenburg and that, if he replaced Falkenhayn as the Chief of the General Staff, Germany might emerge triumphant.⁵⁷ Hindenburg was most often suggested by German leaders as Falkenhayn's successor. The Chancellor Bethmann Hollweg played a crucial role in Hindenburg's rise to power. Gerhard Ritter maintains that Bethmann pressured the Kaiser into replacing Falkenhayn with Hindenburg as Chief of the General Staff. "The decision was one of the weightiest the Kaiser ever took in the spheres of war and politics. As we have seen, it was Bethmann Hollweg who pressed him for it by every means, and thus the historic responsibility was primarily his."⁵⁸ Ritter contends that the Chancellor succumbed to the Hindenburg myth and suppressed doubts which he harbored about Ludendorff's character.⁵⁹ The Chancellor had openly criticized Falkenhayn's conduct of the war and supported the rise of Hindenburg.⁶⁰ Bethmann had advised the Kaiser on July 26 that Hindenburg had to be given the supreme command in the East. He maintained that the fate of the Hohenzollern dynasty depended on it. Also he thought that, if Hindenburg were given this post, it would be possible to make a "face-saving peace"; without Hindenburg, such

a peace would be impossible, the Chancellor concluded.⁶¹ Ritter charges that "this was already a covert demand for Falkenhayn's relief."⁶² The basis for the Chancellor's decision to support Hindenburg over Falkenhayn was the deteriorating military situation. According to Ernest R. May, Bethmann's differences with General Falkenhayn over the U-boat issue were a minor factor in this decision.⁶³ However, the decision was made without knowing what position Hindenburg would take on the submarine question.

Although the U-boat issue had played only a small part in Bethmann's determination to bring about this change, it is evident that he expected the support of Hindenburg and Ludendorff against the fanatics. He had kept up a regular correspondence with the Field Marshal, and Hindenburg had seemed to understand his views much better than Falkenhayn had. Having openly worked for the change in the Supreme Command, moreover, he had reason to feel that Hindenburg and Ludendorff were in his debt. As Valentini commented, "We congratulated ourselves not least for the assurance that now the heretofore untenable relationship between the Supreme Command and the political leadership would give way to trust and cooperation. How could anything else be envisioned in view of the intimate and trustful relationship that had grown up between Hindenburg and Bethmann during the recent difficult time and especially in view of the energetic intervention of Bethmann with the Kaiser on behalf of the appointment of Hindenburg!"⁶⁴

In view of Admiral Holtzendorff's proposal for unrestricted submarine warfare and the change in the supreme command, as well as the critical military situation because of the Rumanian declaration of war, it became necessary to discuss the submarine issue. Consequently, Admiral Holtzendorff, Chancellor Bethmann Hollweg and the Generals Hindenburg and Ludendorff took part in preliminary discussions on August 29 and 30.⁶⁵ During these discussions, the Chief of the Naval Cabinet, Admiral von Müller, supported Admiral Holtzendorff.⁶⁶

Admiral Müller gives these reasons for his stand:

1. Thanks to a bumper harvest, we shall be less dependent upon imports than in the spring. 2. We have more U-boats available than last spring. 3. The neutrals are resentful of England and are more disposed to our wholesale blocking of Britain....⁶⁷

The plenary conference took place at Pless Castle on August 31, 1916. It was attended by the Chancellor, Admiral Holtzendorff, Field Marshal Hindenburg, General Ludendorff, Interior Minister Karl Helfferich, Secretary of State for Foreign Affairs Gottlieb von Jagow, Naval Secretary Admiral Eduard von Capelle, the Prussian Minister of War General Wild von Hohenborn and the Deputy Chief of the Admiralty Staff Paul Koch.⁶⁸

Admiral Holtzendorff spoke first, arguing vehemently for the immediate commencement of unrestricted submarine warfare. He maintained that Germany was more capable of defending herself because of a good harvest. Neutrals posed no threat because the United States would not be able to persuade the smaller European neutrals to declare war on Germany and they would not do so of their own accord. The possibility of American intervention, Holtzendorff continued, was not a factor, because the United States would not conduct herself in a more anti-German manner than at present. Furthermore, an American declaration of war would not increase British tonnage. Unrestricted submarine warfare, the Chief of the Admiralty Staff asserted, would force Britain to sue for peace by the end of 1916. He maintained that failure to use unlimited U-boat war at this point would jeopardize the existence of Germany.⁶⁹ The Naval Secretary, Admiral von Capelle, supported Holtzendorff's demand for unrestricted subma-

rine warfare.

Foreign Secretary von Jagow and Karl Helfferich, Minister of the Interior, opposed the Admiral's views. Secretary Jagow warned that the United States would declare war on Germany should Germany engage in unrestricted submarine warfare. In addition, Jagow said that several European neutrals, including Holland and Denmark, would enter the war against Germany in the event of American intervention. Minister Helfferich concurred. Moreover, he maintained that Britain could not be defeated by unlimited U-boat warfare in six months, because she had supplies enough to last her four-and-a-half months. During this period, Helfferich continued, Britain would be able to overcome the psychological and organizational problems of supply. He insisted that an American declaration of war would have unpredictable consequences. The Interior Minister countered Admiral Holtzendorff's argument that the United States was already conducting herself as an enemy of Germany. He pointed out that the United States had an export surplus of approximately 2-billion dollars which was currently not available to the Entente Powers. Helfferich concluded by saying that an American declaration of war would be catastrophic for Germany.⁷⁰

The Chancellor said that he had not made any decisions on the submarine issue. A decision on this issue would have to be deferred until the military situation, after Rumania's entry into the war, had been clarified. Preliminary conferences with Hindenburg and Ludendorff had indicated that the situation was undefined; therefore, the Chancellor concluded that the decision on unrestricted submarine war-

fare would have to be postponed. Bethmann said that, if Germany declared unrestricted submarine warfare, the United States would enter the war against her. The Entente Powers would, at the very least, exert strong pressure on Holland and Denmark to allow British military forces to use their territories. Thus the Chancellor concluded that new theaters of war would be created should unrestricted submarine warfare be utilized.⁷¹

General Ludendorff said that the military situation in the South-East had not yet been surveyed, but he stated that things were going badly in some areas there. Ludendorff emphasized that it would not be possible to send troops to the Dutch border should Holland declare war on Germany. The decision for submarine warfare could not be made at this time, he concluded, because the Chancellor had said that the submarine campaign might lead to war with Holland and Denmark. The decision would have to be postponed, Ludendorff said, until the military situation in the South-East was clarified.⁷² General Hindenburg agreed with Ludendorff, saying: "We would shout with joy if we could begin the U-boat war immediately, but it is a very serious question."⁷³

Bethmann Hollweg announced the result of the conference. The Chief of the General Staff, Field Marshal Hindenburg, would determine when the submarine issue would again be considered.⁷⁴ The Chancellor then insisted that he must give a report on the conference to political party leaders. Bethmann, therefore, requested that he be authorized to state that all of the participants of the conference, including Hindenburg, agreed that the question of submarine warfare

had been deferred until the military situation was clarified. Hindenburg and Ludendorff hesitated, saying that it must not seem as if they opposed submarine warfare. The Chancellor, however, persuaded them to consent to his proposal.⁷⁵

The military situation had become acute by August, 1916, and therefore much of the discussion at the August 31 conference had focused on military problems and the consequences of submarine warfare regarding Germany's relationship with neutral European states. The United States seemed very remote at this time. The consequences of European neutrals entering the war seemed to be more of an immediate danger than the threat of an American declaration of war. By citing the military situation as the reason for postponing the decision on submarine warfare, the Chancellor had given Hindenburg and Ludendorff the impression that they had the authority to decide if and when unrestricted submarine warfare would begin. In fact, Bethmann had given them the authority to decide when the submarine issue would be reconsidered.⁷⁶ It was evident from Hindenburg's and Ludendorff's comments that their decision regarding submarine warfare was based on the European military situation; no mention was made of considerations for American policies. In addition, General Ludendorff had said that, after a successful campaign against Rumania, he would "be obliged to advise that the U-boat war be carried on."⁷⁷ Apparently the OHL, under Hindenburg and Ludendorff, was less fearful of the consequences of an American declaration of war than it had been under General Falkenhayn.⁷⁸ Indeed, John Wheeler-Bennett makes the following observation about the supreme command's estimation of America:

To the Supreme Command America was a strange and distant country, unorganized and undisciplined, presided over by a professional crank. Even suppose she could raise an army it would be years before it could be forged into a fighting machine, and its transport to Europe would produce further difficulties. "I am not interested in a contest between armed mobs," replied the great Moltke when asked in 1864 his opinions of the operations of Grant and Lee before Richmond, and the opinion of the German General Staff had changed little in fifty years.⁷⁹

The change in the supreme command diminished the Chancellor's chances of preventing the commencement of unrestricted submarine warfare. It was evident from the attitude of Hindenburg and Ludendorff at the August 31, 1916, conference that they might soon join the Admirals in demanding unrestricted submarine warfare, should the military situation improve.⁸⁰ Hindenburg and Ludendorff would be far more formidable opponents than Falkenhayn was because of their immense popularity. Their power base was such that the Kaiser could not deprive them of their positions without risking his own fall.⁸¹ Wilhelm II was a weak ruler who did not exercise the full extent of his authority. Rather than make independent policy decisions, he relied heavily on the opinions of his military and political advisers.⁸² Up until August, 1916, the military and political authorities shared power on a more or less equal basis and the Kaiser was able to influence both the Chancellor and the Chief of the General Staff to a certain extent. "The situation was quite different, however, when during the autumn and winter of 1916/1917, OHL arrogated to itself more and more power and definitely turned the scale in favour of the military leadership."⁸³ At the same time that Hindenburg and Ludendorff rose to power, the Chancellor's power had been diminished to

such an extent that, if his policies were substantially different from those of the OHL, and if the Kaiser were faced with a policy choice between the Chancellor and the Chief of the General Staff, the Chancellor would most probably have to resign.⁸⁴ In addition, the Chancellor would not have the kind of support he had previously enjoyed from persons who worked in close proximity with the Kaiser. Colonel Karl Georg von Treutler, the Representative of the Chancellor and the Foreign Office at General Headquarters, and Admiral Müller had been staunch supporters of Bethmann's policies on submarine warfare in the past and they had used their positions to persuade the Kaiser to accept the Chancellor's policies. Treutler was a casualty of the effort to displace Falkenhayn, and, therefore, the Kaiser dismissed him on July 5, because he could not bear to have him around any longer.⁸⁵ With Treutler's dismissal, the Chancellor lost an able supporter and an ardent opponent of unrestricted submarine warfare.⁸⁶ During the conferences in late August, Admiral von Müller had supported Admiral Holtzendorff's position on the submarine issue. Should he desire to support the Chancellor on the U-boat issue as he had done in the past, it would be extremely difficult to do so. This was particularly true in view of the fact that the Kaiser had become more sympathetic to the opinions of the submarine enthusiasts since the Sussex crisis.⁸⁷

Admiral Holtzendorff's options were limited as well. The possibility of modifying his position on unrestricted submarine warfare was reduced because of the pressure within the Admiralty Staff and the High Sea Fleet for the submarine campaign. In the past, Holtzen-

dorff had raised the demand for unrestricted submarine warfare, but had later retreated from this position and supported the Chancellor in the Sussex crisis. Although the OHL had not yet demanded unrestricted submarine warfare, it most probably would support navy policies in this regard once the military situation was secured.⁸⁸ Should the OHL announce that the propitious moment for submarine warfare had arrived, Admiral Holtzendorff would find it extremely difficult to modify his position should he desire to do so.⁸⁹

After the August 31, 1916, conference which had left the decision to renew discussions concerning unrestricted submarine warfare to the OHL, naval leaders redoubled their efforts to bring about a decision in favor of a submarine campaign à outrance.⁹⁰ Although all of the naval leaders agreed that unlimited submarine warfare must be utilized, the Chief of the High Sea Fleet, Admiral Scheer, maintained that no other form of commercial U-boat war was feasible, whereas the Chief of the Naval Staff advocated a limited campaign as an interim measure.⁹¹ During early September, Captain Adolf von Trotha, the Chief of Staff of the High Sea Fleet, and Admiral von Holtzendorff appealed to General Ludendorff to allow unrestricted submarine warfare to begin as soon as possible. General Ludendorff agreed to the principles of unrestricted submarine warfare as advanced by Captain Trotha,⁹² but he refused to set a definite date for the reconsideration of such a campaign, because of possible complications with neutral countries and the uncertain military situation.⁹³ The OHL became more receptive to the demands of the naval leaders during mid-September due to military successes in Rumania.⁹⁴ Because of

information he had received from Pless on the submarine issue, Admiral Holtzendorff informed both Admiral Scheer⁹⁵ and Chancellor Bethmann Hollweg that the submarine campaign would begin in mid-October.⁹⁶ The Chancellor was shocked. He immediately telegraphed Field Marshal Hindenburg, admonishing him that the decision for submarine warfare could not be made without the agreement of the political authorities and the approval of the Kaiser. Bethmann emphasized the importance of such a decision which involved war with the United States, Holland and Denmark.⁹⁷ Hindenburg promptly replied on the following day, October 2, that the possibility of beginning the submarine campaign in mid-October had been discussed and that the decision would be made in co-operation with the Chancellor.⁹⁸

The submarine issue was settled for sometime during an interview which Admiral von Holtzendorff had with the Kaiser on October 4, 1916. The Chief of the Naval Staff presented the Kaiser with a draft order for unrestricted submarine warfare which the Kaiser approved in principle but refused to implement at that time. He felt that the submarine campaign should be postponed because of current negotiations with the United States and because of the change of ministry in Russia.⁹⁹ Admiral Holtzendorff then requested the immediate commencement of a commercial submarine campaign which would be conducted according to cruiser rules of warfare. The Kaiser approved this proposal and Admiral Holtzendorff sent orders to the High Sea Fleet and the Navy Corps on October 6 that the campaign would begin on October 15. The instructions stated that the submarines must observe cruiser rules when dealing with merchant vessels, even with

armed merchant vessels. In addition, the submarines were instructed to be especially cautious when approaching American, Spanish, Swedish and Danish ships.¹⁰⁰ The new campaign was a smashing success, much to the consternation of Admiral Scheer; the combined effort of submarines, raiders and mines sank an average of 350,000 tons a month from October, 1916, to January, 1917.¹⁰¹ Although the submarine commanders endeavored to follow their instructions as conscientiously as possible, new incidents involving complications with neutral states occurred. The most serious incidents involved the Marina, which was destroyed on October 28, and the Arabia, which was torpedoed on November 6. Both were British vessels and both were armed. The Marina was a merchantman and the Arabia was a passenger vessel; the vessels were sunk without warning in violation of current orders.¹⁰² American citizens were traveling on both vessels, and nine Americans who were on board the Marina were killed or injured.¹⁰³

The Wilson Administration was deeply concerned over the Marina and Arabia incidents. Secretary of State Robert Lansing told reporters on November 1, 1916, that the President was very concerned about the Marina case and that he intended to hold Germany to the Sussex pledge that submarines would observe cruiser rules when dealing with merchantmen. The reporters concluded from Lansing's statements that, if the Marina was sunk without warning, and, if Germany attempted to justify the actions of the submarine commander, the United States would sever diplomatic relations with Germany.¹⁰⁴ On November 18, Lansing wired the American Chargé d'Affaires in Germany, Joseph Grew, for more information on the Arabia case. "This Government is

unable to square this disaster with the German assurance of May 4, 1916, which, it understood, binds both Central Powers," the Secretary warned.¹⁰⁵ Secretary Lansing felt that these and other submarine incidents were in violation of the Sussex pledge and advised President Wilson on December 8, 1916, that relations with Germany ought to be severed because of the submarine campaign.¹⁰⁶ President Wilson, however, was not willing to press the incidents to that extent. He doubted that public opinion would support it and did not wish to raise the issue of armed ships. Also he sincerely wanted to issue a peace proposal as soon as possible.¹⁰⁷ The Marina and Arabia cases were peacefully resolved because Germany admitted wrongdoing.¹⁰⁸

The Marina and Arabia cases were significant in that the United States demonstrated that she was still adhering to the same policies she elicited in May when Germany issued the Sussex pledge. The United States was insisting that Germany follow a policy of honoring her promise to obey the law. Germany acknowledged that fact and declared the intent to make full reparations rather than risk a confrontation with the United States over the submarine issue. The irony of the situation was that the Germans said that they would honor the Sussex pledge, yet those same leaders were considering the use of unrestricted submarine warfare—a course which both Germany and the United States recognized would cause a break in relations.

The Marina and Arabia cases had other repercussions as well. The Chancellor was concerned that the cases might jeopardize his "two irons in the fire" policy of encouraging Wilson to initiate a peace proposal of his own.¹⁰⁹ In addition, the submarine incidents

had hampered the efforts of Admiral Holtzendorff to obtain new orders permitting submarine commanders to attack armed merchant vessels without warning. Holtzendorff had been negotiating with the political authorities since November to obtain an expansion of the U-boat war.

The Chief of the Naval Staff had entered into negotiations with the political authorities in mid-November in order to reach an agreement in favor of an unrestricted submarine campaign against armed merchantmen. Holtzendorff was pursuing a policy of gradually escalating the U-boat war.¹¹⁰ Admiral Scheer and his staff were pressuring the Admiralty Staff Chief for the campaign, because most of the merchant vessels were armed and, therefore, it became increasingly difficult for submarines to observe cruiser rules.¹¹¹ While Admiral Holtzendorff advocated an expansion of the submarine campaign, the Chancellor sought to curtail the submarine commander's instructions. Since the existing instructions had given rise to the Marina and Arabia incidents, Bethmann Hollweg insisted that the naval authorities issue new instructions restricting attacks without warning to war vessels only; all other vessels should be subject to cruiser rules. He felt that these instructions were necessary to prevent a break with the United States and to encourage an American peace proposal.¹¹² Since Admiral Holtzendorff was unwilling to co-operate, the Chancellor presented his case to the Kaiser on December 2. The Kaiser approved the proposal and orders were issued to submarine commanders to avoid any situations which might cause complications with the United States.¹¹³

[The Chancellor] stresses that we must avoid a conflict with America at all costs until the peace feelers upon which both we and America have embarked are settled, which should be by the end of the month. He might possibly settle his peace action within 8 days....¹¹⁴

Although the Chancellor was able to secure a change in the orders to the submarine commanders in an attempt to avoid a confrontation with the United States, his power had been diminished not only by the change in the OHL and the increased pressure from naval authorities for unrestricted submarine warfare, but other developments had also decreased the Chancellor's ability to prevent a conflict with the United States. Bethmann was less capable of dealing with opposition to his policies, because he was simply worn down by the tremendous pressures of his office. His wife had died shortly before the war and his oldest son was killed in Poland. A lonely man of nearly sixty years, Bethmann Hollweg "carried a load of duties that would have taxed a man of thirty."¹¹⁵ He no longer offered the kind of effective leadership that he had demonstrated in the past and began to rely on the services of the brilliant and able Karl Helfferich, who had been promoted to Vice Chancellor, in the fight against the U-boat enthusiasts.¹¹⁶ Bethmann's power in the Reichstag was diminished during heated debates over U-boat warfare in the fall of 1916, when the Zentrum Party presented a resolution supporting the role of the OHL in the implementation of unrestricted submarine warfare.¹¹⁷ The resolution, which was adopted by the Reichstag on October 7, 1916, read as follows.

"The Chancellor alone," it reiterated, "is responsible to the Reichstag for political decisions affecting the conduct of the

war"; but then it went on: "The Chancellor's decisions will necessarily be based in large part on the views of the supreme command. Should the decision be taken in favor of unrestricted submarine warfare, the Chancellor would be assured of Reichstag assent."¹¹⁸

The fact that the resolution had been introduced at all meant that the Chancellor no longer commanded a majority of the Reichstag. The Zentrum Party position indicated strong support for Hindenburg and an erosion of the Chancellor's power. As a result of these debates, the Chancellor's opponents gained support and were able to use the Reichstag as a permanent forum for their views because of a change in the budget committee. The budget committee had been changed into a chief committee which would remain in session continuously, thus allowing Bethmann's opponents to use that committee on a continuing basis to put forth their views.¹¹⁹

The resignation of the Secretary of Foreign Affairs, Gottlieb von Jagow, on November 24, 1916, meant the loss of an able supporter of the Chancellor and a staunch opponent of unrestricted submarine warfare. Jagow was forced out of office because of political intrigues on the part of various people, but General Ludendorff directly influenced his removal.¹²⁰ The OHL insisted that Jagow was an obstacle to the spirit of victory.¹²¹ The pretext for his resignation was a telegram from the Kaiser accusing him of mishandling the appointment of Richard von Kühlmann as Ambassador to Constantinople, but, in fact, Jagow's position on the submarine issue caused his fall.¹²² The Chancellor, however, resisted pressure from the OHL to replace Jagow and seems to have been influenced by the advice of the Chief of the Civilian Cabinet, Rudolf von Valentini, to replace Jagow with Undersecre-

tary Arthur Zimmermann.¹²³ Ludendorff and Zimmermann had been corresponding for sometime,¹²⁴ and the OHL made it known that Zimmermann would be an acceptable choice.¹²⁵ Zimmermann was more jovial than the reticent and shy Jagow, and it was assumed that he would be more acceptable to newspapermen and the Reichstag than Jagow had been. Also, Zimmermann was thought to be more suitable for negotiations with General Ludendorff.¹²⁶ However, Zimmermann was less capable and more sympathetic to the submarine warfare advocates than was his predecessor.

There is no doubt, however, that the new Secretary's political judgment was much inferior to that of Jagow. He also seems to have been much nearer the submarine faction at heart than both Jagow and the Chancellor. As, in addition, he had a more sceptical view of American peace mediation than his predecessor seems to have had—at least during the autumn of 1916—Zimmermann's promotion meant that the constellation of forces within the German Government had moved in a direction unfavourable to the continuance of friendly relations between Germany and the United States. This aspect of the change at Auswärtiges Amt did not make itself felt immediately, however. On the contrary, Zimmermann began his new career by a successful rejection of Ludendorff's interference in diplomatic matters during the Marina crisis. American diplomats in Germany also considered the new Foreign Secretary to be particularly friendly towards the United States, and the ominous significance of his promotion seems therefore to have passed unnoticed on the other side of the Atlantic.¹²⁷

The fall of Bucharest, Rumania, on December 6, 1916, caused both the political and military authorities to reassess their policies. The Chancellor thought that the time had arrived to publish the Central Powers' peace offer. The OHL reasoned that the fall of Rumania would free sufficient troops to defend the Danish and Dutch borders so that an unrestricted submarine campaign would be feasible.¹²⁸ Since it had been established in October that the Central Powers' peace offer should

be extended with the approval of the OHL, when the military situation was advantageous to the Central Powers, Bethmann went to Pless on December 7 to secure the consent of the OHL.¹²⁹ Bethmann found Hindenburg and Ludendorff more interested in the submarine issue than in the prospect of a peace move. Nevertheless, they did agree to the issuance of a peace proposal subject to the following conditions:

- (1) that land operations and submarine warfare were pursued as before,
- (2) that an order of the day be issued in which this was clearly stated, and
- (3) that the political authorities believed themselves able to obtain the peace settlement Germany needed /den Deutschland braucht/.¹³⁰

Additional conditions regarding the first point were: "that the operations in Roumania were to be continued at least as far as the River Sereth, whereupon troops would be held in readiness against Denmark and Holland, and unrestricted submarine warfare commenced at the end of January."¹³¹ Bethmann insisted that the conditions regarding the

Central Powers' peace proposal previously agreed upon had been fulfilled and the third condition, concerning the kind of peace Germany needed, was too vague.¹³² And he rejected the stipulation that unre-

stricted submarine warfare begin at the end of January.¹³³ However, should the peace proposal fail, Bethmann said that he would contentance unrestricted submarine warfare against armed merchantmen.¹³⁴

In an attempt to postpone the inception of unrestricted submarine warfare, the Chancellor agreed to a campaign against armed merchant vessels. It is possible that Bethmann Hollweg hoped that some sort of compromise might be attained which would preclude the need for an

unlimited U-boat campaign.¹³⁵

The Central Powers' peace proposal was issued on December 12, 1916. President Wilson received news of the peace offer with mixed feelings, because he felt that it meant that Germany wished to pursue an independent peace policy. He still intended to issue a peace proposal of his own and was encouraged from communications received through Ambassador Bernstorff that the Chancellor desired American co-operation in seeking a peaceful solution to the present conflict.¹³⁶ Wilson was in the process of revising his peace note, when press reports arrived in Washington indicating that the Entente Powers would probably reject the Central Powers' peace note.¹³⁷ In addition, Charge Grew had predicted that Germany would engage in unrestricted submarine warfare should the peace offer fail.¹³⁸ The American note, which requested that the belligerents give a statement of war aims, was dispatched on December 18 and was published on December 21, 1916.¹³⁹ It was not possible, however, for Germany to publish her war aims, for to do so would reveal the deep divisions within governmental and political circles. In fact, the Chancellor had managed to maintain some semblance of unity by avoiding the discussion of war aims among political parties.¹⁴⁰ The German reply of December 26, 1916, did not mention war aims, but simply said that Germany wished to negotiate directly with her enemies, after the war, in neutral territory.¹⁴¹

General Ludendorff began demanding unrestricted submarine warfare on December 20, 1916, the day after the new British Prime Minister Lloyd George had given a speech in the House of Commons expressing skepticism about the Central Powers' peace offer. Ludendorff insisted

that Lloyd George's speech constituted a rejection of the peace offer. The First Quartermaster-General had recently returned from a tour of the Western Front and felt that conditions there merited an unlimited U-boat campaign in order to prevent enemy supplies from crossing the English Channel.¹⁴² Secretary of State Arthur Zimmermann replied, on the following day, that the formal reply of the Entente Powers had not yet arrived. At that time, Zimmermann continued, the question of armed merchant vessels would be discussed. He reiterated that there were serious objections to unrestricted submarine warfare because of the attitude of the United States and European neutrals.¹⁴³ The OHL, however, continued to press for unrestricted submarine warfare during the following days. When Kurt von Lersner, the Legation Secretary for the political authorities at Grosses Hauptquartier, handed Zimmermann's telegram of December 21 to General Ludendorff, Ludendorff explained that unrestricted submarine warfare must begin as soon as possible and that Germany would be defeated without such a campaign. The Chief of the General Staff, Ludendorff went on, would be unable to assume the responsibility for military operations, unless the political authorities agreed to unrestricted submarine warfare at the end of January.¹⁴⁴ Hindenburg sent a telegram to the Chancellor on December 23, stating that a submarine campaign against armed merchantmen would not be sufficient, and that the military situation required unrestricted submarine warfare. The Chancellor had agreed, Hindenburg continued, that the OHL would decide when the military situation merited the submarine campaign.

During the conferences in Pless at the end of August Your Excellency made the decision in favour of the unrestricted

submarine campaign dependent upon my declaration that, judging by the military situation, the right moment had come. That moment will be the end of January.¹⁴⁵

Bethmann replied on December 24 that he had agreed to accept the advice of the Chief of the General Staff on the military situation in relation to the commencement of unrestricted submarine warfare. Because the submarine campaign affected relations with neutral countries and therefore "represented an act of foreign policy," the Chancellor alone bore the responsibility for this policy. Should an unrestricted submarine campaign or even a campaign against armed merchantmen be initiated before the receipt of the Entente reply to the Central Powers' peace offer, it would compromise Germany's position. Other nations, both neutral and belligerent, would assume that the peace proposal was issued in bad faith and constituted a rationale for unrestricted submarine warfare. Bethmann then stated his position on the submarine issue.

Concerning the question of the unrestricted U-boat warfare, the stand which I have maintained up to the present time is that such a step can only be discussed if our military situation is such as to permit us to rely with certainty upon the fact that the European neutrals can be prevented from taking up arms against us. Your Excellency is of the opinion that this time will have come by the end of January, 1917. I therefore venture to assume that you Excellency will be in a position at that time to concentrate the necessary troops at both the Dutch and the Danish frontiers. On this condition, and to the extent that I may find myself able to agree with your Excellency that the advantages of an absolutely ruthless U-boat war are greater than the disadvantages resulting from the United States joining our enemies, I shall be ready to consider the question even of an unrestricted U-boat warfare.¹⁴⁶

The OHL was, however, in no mood to negotiate or to discuss protocol, for Field Marshal von Hindenburg replied on December 26 that unrestricted submarine warfare must begin as soon as possible.

However, our military situation is such as not to permit negotiations of any kind to divert from the course military measures which have finally become recognized as correct, and thereby to cripple the energetic conduct of the war. I must sustain this view under all conditions, and must therefore renew my request to allow the U-boat war against armed merchant ships to begin without previous negotiations, and to enter immediately into arrangements for the ruthless conduct of the U-boat war.¹⁴⁷

Because of a statement which the Chancellor had made in the Reichstag in mid-September, the majority of the German people were under the impression that the OHL was responsible for the decision regarding unrestricted submarine warfare, Hindenburg pointed out. As long as the Chancellor and the military authorities had been able to agree on the submarine issue, it had not been necessary to call attention to this discrepancy.

As long as your Excellency and the Supreme High Command of the Army were in agreement, I could overlook this. But since our points of view appear to be markedly divergent, I shall be obliged to announce, in defense of the attitude of the Supreme High Command of the Army, that your Excellency claims, it is true, the final responsibility as Imperial Chancellor, but that I shall, very naturally, to the extent of my power and with the feeling of complete responsibility for the successful outcome of the war, insist that those military measures be taken which I consider appropriate for that purpose.¹⁴⁸

Thus the Field Marshal threatened to reveal publicly the rift between the OHL and the Chancellor on the submarine issue.¹⁴⁹ Bethmann realized that the OHL had decided to force the issue of unrestricted submarine warfare,¹⁵⁰ and he decided to go to Pless to talk with the mili-

tary authorities. Presumably the Chancellor hoped to avert an open conflict with the OHL through personal negotiations.¹⁵¹

Meanwhile, the Chief of the Admiralty Staff had submitted a detailed letter and a voluminous memorandum, known as the Kalkmann memorandum, to General Hindenburg in preparation for a final decision on the submarine issue. The letter, which was dated December 22, said that, if the unrestricted submarine campaign was utilized at the present time, England would be defeated within five months. This was the last opportunity, Holtzendorff stated, for Germany to secure a favorable peace. He felt that the campaign would cause Britain severe hardships because of world crop failures and a shortage of cargo space. Britain would be forced to use available vessels to travel farther in order to obtain food supplies. Anything less than unrestricted submarine warfare would disable Britain but not defeat her, Holtzendorff argued. The consequences of American intervention in the war as a result of the submarine campaign were so grave that the Chief of the Admiralty Staff believed that everything ought to be done to prevent it. However, the fear of an American declaration of war should not prevent the implementation of the campaign. Since an American entry to the war would not increase enemy tonnage immediately, Holtzendorff thought that an unrestricted submarine campaign was the proper means of winning the war. He stressed that the campaign ought to be launched as soon as possible. The letter concluded with the question of whether or not the OHL felt that the military situation would allow the commencement of the campaign on February 1, 1917.¹⁵²

Admiral Holtzendorff and Hindenburg and Ludendorff decided on the procedure for the implementation of the submarine campaign on January 8, prior to the final conference on the issue. The subject of the Chancellor's resignation was discussed at the meeting with the agreement that, if the Chancellor opposed the unlimited U-boat campaign, he would have to resign. However, Holtzendorff felt that, if the Chancellor agreed to the campaign, the United States might not enter the war.¹⁵³ During discussions with the Kaiser on January 8, Admiral Müller told the Kaiser that he and Admiral Holtzendorff felt that Bethmann ought to remain in office.

We (Holtzendorff and I) pointed out to him that it was absolutely essential that the Chancellor remain, even in the event of unrestricted U-boat warfare, for in the eyes of the neutrals it would then appear to be the logical result of the political situation rather than a desperate coup.¹⁵⁴

Accompanied by Secretary of State Zimmermann and Karl Helfferich, Minister of the Interior and Vice-Chancellor, the Chancellor arrived in Pless on December 29. They were given a very hostile reception. They were greeted at the railroad station in Pless by a cavalry officer who said that the Chancellor and Secretary Zimmermann would be welcome but that Minister Helfferich was not.¹⁵⁵ Bethmann sent Secretary Zimmermann to Field Marshal Hindenburg to protest this indignity. Minister Helfferich, Bethmann insisted, was also the Vice-Chancellor and, in any event, the Chancellor could choose whomever he desired to accompany him.¹⁵⁶ Although Helfferich was admitted to the discussions, they disintegrated into attacks on the part of the OHL on the Chancellor's policies. The OHL accused the Chancellor of trying

to push the Chief of the General Staff into the background in regard to the U-boat issue.¹⁵⁷ The political and military authorities were able to agree, however, on the wording of a note to the United States on a submarine campaign against armed merchantmen. The note was to be sent to the United States after the receipt of the Entente reply to the Central Powers' peace offer.¹⁵⁸ Helfferich thought that Hindenburg and Ludendorff were not interested in a submarine campaign against armed merchantmen, but that they eagerly anticipated an unrestricted U-boat war.¹⁵⁹

The most important result of the Pless conference seems to be the changed attitude of the political leaders. Legation Secretary von Lersner maintained, sometime later, that Helfferich and Bethmann Hollweg had told him after the conference that "in future they would have to yield to OHL in the question of unrestricted submarine warfare."¹⁶⁰ They felt that it would be necessary to sacrifice their views in order to maintain unity within the government and to avert a national crisis.¹⁶¹ Karl E. Birnbaum contends that, during the period between the December 29 conference and January 7, 1917, the Chancellor followed a policy of avoiding any confrontation with the OHL over the issue of submarine warfare or over peace policies.¹⁶² Bethmann apparently believed that it would be possible to avoid a final conflict for an indefinite period of time. During the intervening period, the goal of German diplomacy would be to prepare the United States for unrestricted submarine warfare, in view of the decreasing possibility of a peaceful solution.

During the December 29, 1916, Pless conference, the Chancellor promised the OHL that he would begin negotiations for submarine warfare in the near future. At the beginning of January, the political authorities and the Admiralty Staff were also negotiating the submarine issue; however, no agreement had been reached. It was at this point that Admiral Scheer decided to force the situation. Admiral Holtzendorff had extended assurances to Admiral Scheer in mid-December that unrestricted submarine warfare would begin by February 1, 1917, unless the war had ended by then. When Admiral Scheer made inquiries about Admiral Holtzendorff's promise regarding submarine warfare, the Admiralty Staff Chief became evasive, and Scheer concluded that the promise was no longer valid.¹⁶³ Therefore, Scheer sent Captain Magnus von Levetzow, the Chief of the Operations Department of the High Sea Fleet, to Berlin to talk with Admiral Holtzendorff. Levetzow was instructed to state that present policies were so uncertain that the Chief of the High Sea Fleet had requested a clarification.¹⁶⁴ Admiral Holtzendorff said that, at present, action could only be taken against armed merchantmen. At that point, Captain Levetzow completely lost his composure and created a scene which culminated with a declaration that "the German Navy was without leadership."¹⁶⁵ Apparently Levetzow's "scene" had quite an effect on Admiral Holtzendorff, for, on the following day, January 5, he handed Bethmann Hollweg a copy of the letter and the Kalkmann memorandum which he had given the Chief of the General Staff on December 22. On January 6, Holtzendorff informed the OHL that the political authorities still objected to the submarine campaign and requested

that the subject be submitted to the Kaiser for a final decision.¹⁶⁶
Holtzendorff then left for Pless on January 8 to confer with Hindenburg and Ludendorff and to secure the approval of the Kaiser.

Admiral Holtzendorff met with Field Marshal Hindenburg and General Ludendorff later that day and they reached an agreement on the mode of procedure for the implementation of unrestricted submarine warfare. The Chief of the General Staff sent the Chancellor a telegram later that day, saying that unrestricted submarine warfare could begin on February 1, 1917, and that, therefore, it should.¹⁶⁷ Holtzendorff also spoke with Admiral Müller, who said that he would support the Chief of the Admiralty Staff in his demand for unrestricted submarine warfare. He felt that the general war situation after the Entente rejection of the peace proposal merited this action.¹⁶⁸ Later that evening, Admiral Holtzendorff had an audience with the Kaiser. Admiral Müller recorded the Kaiser's thoughts on the subject of U-boat warfare in his diary.

Audience this evening at 7 o'clock with the Kaiser, who has suddenly come round to the idea that unrestricted U-boat warfare is now called for, and is definitely in favour of it even if the Chancellor is opposed to it. He voiced the very curious viewpoint that the U-boat war was a purely military affair which did not concern the Chancellor in any way. Moreover, there was no question of a discussion with him.¹⁶⁹

Upon receiving Hindenburg's telegram of January 8, the Chancellor left immediately for Pless for the final conference with the OHL on the submarine issue. Before leaving Berlin, he spoke with Helfferich and Zimmermann, who were unable to accompany him. Helfferich began work on a thorough rebuttal of Admiralty Staff figures regard-

ing U-boat warfare as set forth in the Kalkmann memorandum. He would send his findings to the Chancellor in Pless via telegram.¹⁷⁰

The Chancellor arrived at the train station in Pless on January 9, tired and suffering from a bad case of bronchitis. Admiral Müller met him there in order to comfort and reassure him.

I succeeded in consoling him somewhat and begged him not to reject the idea of unrestricted U-boat warfare out of hand. I may have influenced him slightly by pointing out that for two years I had always been in moderation on this tricky question, but that now, in altered circumstances, I considered unrestricted submarine warfare to be necessary and that it had a reasonable chance of success....¹⁷¹

Bethmann Hollweg records in his Betrachtungen zum Weltkrieg that the OHL and the Admiralty Staff had already decided to implement the submarine campaign by the time he arrived in Pless.¹⁷² The Chancellor spent the morning conferring with Hindenburg and Ludendorff, and with Admiral von Müller and Admiral Holtzendorff.¹⁷³ No detailed accounts of these negotiations exist;¹⁷⁴ however, it is evident that the decisive conference between the Chancellor and the OHL took place around noon, for Bethmann saw the Chief of the Cabinet Valentini at one o'clock and told him about it.¹⁷⁵ In his account of these events, Birnbaum notes that the evidence regarding the Chancellor's reasoning in these negotiations with the OHL is "somewhat controversial."¹⁷⁶ It is evident, however, that the Chancellor did not offer strong opposition to OHL arguments. Birnbaum attributes this to Bethmann's decision on December 29 to yield to the OHL on the submarine warfare question.¹⁷⁷ Bethmann felt that the OHL had simply decided the submarine issue beforehand and that they would not alter their position.¹⁷⁸ Bethmann

said that he would try to prevent the United States from entering the war against Germany, if the Kaiser approved the submarine campaign.¹⁷⁹ According to the abbreviated OHL minutes of the negotiations, he repeated many of the reservations he had advanced in the past about submarine warfare; however, the Chancellor also appeared optimistic about the chances of a successful campaign.¹⁸⁰ Field Marshal Hindenburg predicted that the Entente Powers would launch a new offensive in the spring and that every opportunity to cut off their supply of men and materiel must be utilized. The OHL would be unable to assume the responsibility for military operations, unless unrestricted submarine warfare began on February 1, 1917, Hindenburg said. The OHL, he continued, was prepared to take the responsibility for all of the submarine campaign, including an American declaration of war and the intervention of European neutrals.¹⁸¹

The U-boat war is the 'last card' [], Bethmann said. A very serious decision. 'But if the military authorities consider the U-boat war essential, I am not in a position to contradict them'.¹⁸²

General Ludendorff said that the army was prepared for all contingencies.¹⁸³ After these negotiations, Bethmann visited Cabinet Chief Valentini in his room. Valentini was recuperating from an operation on his foot but was kept informed on the negotiations through periodic visits from the Chancellor.¹⁸⁴ Valentini was among the few who still opposed unrestricted submarine warfare.¹⁸⁵ Bethmann arranged to have the final conference on the submarine issue held in Valentini's chambers, so that the Cabinet Chief could be present.¹⁸⁶ The exhausted Chancellor told Valentini that he had argued against unrestricted

submarine warfare for more than an hour, but to no avail, because Admiral Holtzendorff had promised that England would be defeated within six months. And he had guaranteed that no American would set foot on French soil as long as the intensified blockade was in force.¹⁸⁷

Helffferich's telegram refuting the arguments of the Admiralty Staff's Kalkmann memorandum on unrestricted submarine warfare arrived at 2:30 p.m.¹⁸⁸ Helffferich maintained that unrestricted submarine warfare would cause the United States to enter the war against Germany and that the United States would export large grain shipments to Britain, thus strengthening her position. He, therefore, reasoned that unrestricted submarine warfare would help Britain. In addition, he predicted that there was no need for an unrestricted campaign, at the present date, because Britain's food supplies would diminish of their own accord in the coming months.¹⁸⁹ The crucial conference, however, had ended before the arrival of Helffferich's telegram and Bethmann apparently did not utilize the Vice-Chancellor's arguments.¹⁹⁰

The Imperial conference met at six o'clock and was attended by the Kaiser, Hindenburg, Ludendorff, the Chancellor and the three Cabinet Chiefs—von Müller, Valentini and General von Lyncker—and Admiral Holtzendorff.¹⁹¹ Valentini gives the following account of these events:

Everyone stood around a large table, on which the Kaiser, pale and excited, leaned his hand. Holtzendorff spoke first, and, from the standpoint of the navy, both well and above all in confidence of victory. England will lie on the ground in almost six months, before a single American has set foot on the continent; the American danger does not disturb him at all. Hindenburg spoke very briefly, observing only that from the measure a reduction in American munitions exports had to be expected. Bethmann finally, with a visible inner excitement,

set forth once again the reasons that had led him in the past to cast an opposing vote against U-boat war beyond the limits of cruiser warfare, namely concern about the prompt entry of America into the ranks of our enemies, with all the ensuing consequences, but he closed by saying that in view of the recently altered stand of the Supreme Command and the categorical declarations of the admirals as to the success of the measure, he wished to withdraw his opposition. The Kaiser followed his statements with every sign of impatience and opposition and declared in closing that unrestricted U-boat war was therefore decided.¹⁹²

The Chancellor, who was suffering from a chill, ate dinner with Valentini in his room; both men were quite depressed. Valentini records that they were both convinced that the submarine campaign would cause American intervention and prolong the war. Holtzendorff's prediction that England would be defeated quickly was considered utopian.¹⁹³ Admiral Müller joined the two men for a glass of champagne, which the Kaiser had sent to them, and attempted to raise their spirits. Bethmann said that the Kaiser had harmed himself and the Hohenzollern dynasty.

[Müller] tried to cheer the Chancellor up on the weighty decisions that had been reached today, whereupon he replied: 'Yes, I had to give way to the military arguments but, as I see the future, we shall make the enemy tire of the war in the end, but not until they have achieved notable successes by pushing us back in France and in Belgium to the Maas, with the capture of many guns and the taking of a host of prisoners. Then we shall be forced to sign an exceedingly modest peace.' Valentini, who is always a pessimist thoroughly agreed with him.¹⁹⁴

Thus one of the most important decisions of the entire war was made by the military authorities for military reasons. The Chancellor indicated by his statement to Valentini and von Müller that he had been forced to repudiate the policies which he had advocated for

the past two years, because the military leaders were in control of the country, and because they wanted to utilize unrestricted submarine warfare. Bethmann recorded in his Betrachtungen zum Weltkriege that the decision had already been made when he arrived in Pless, because the supreme command and the Admiralty Staff had decided to implement the campaign and the Kaiser had agreed to it.¹⁹⁵ Bethmann abandoned his American policy at Pless on January 9, 1917. That policy had been to acknowledge the American point of view, which was the illegality of unrestricted submarine warfare. Since 1915, the United States had insisted that submarines must observe cruiser rules of warfare when approaching merchantmen and had threatened to sever diplomatic relations with Germany unless some guarantee of good faith were given. Germany had decided to preserve relations with the United States, because she feared the consequences of an American declaration of war and had issued the Arabic pledge and the Sussex pledge to prevent this. In addition, Germany had agreed to pay indemnities for the sinking of the Lusitania, the Arabic and the Sussex. On January 9, she decided to repudiate this policy. Considerations of international law were not a factor in the decision for submarine warfare. The military and naval leaders realized that the decision meant an American declaration of war, but they decided that this was meaningless. The Chancellor and Cabinet Chief Valentini also realized that the decision meant war with the United States. Bethmann told Valentini that this would mean that Germany would be "forced to sign an exceedingly modest peace." But this "modest peace" meant territorial acquisitions for Germany which included part of France and pre-

sumably most of Belgium. Bethmann predicted that Germany would be pushed back to the Maas (Meuse) River in northern France and southern Belgium. What the leaders of Germany—including the Chancellor—had in mind, when they spoke of Germany fighting for her existence or the kind of peace Germany needed, was the incorporation of other European nations, which Germany then occupied, into the German sphere of influence in a post war settlement. German existence was at stake, because Germany's war aims were expansive and, therefore, the Entente Powers were seeking a punitive settlement, in part, because of German excesses during the war.

Valentini advised the Chancellor to resign,¹⁹⁶ but he refused to do so because he felt that it was his duty to remain in office and to assume his share of the responsibility for the outcome of the war. He thought that, if he resigned, the result would be disastrous both at home and abroad. It would accentuate internal conflicts between political parties on the right and left. Neutral nations would be more distrustful of German policies, and the last possibility of preventing an American entry into the war would disappear.¹⁹⁷ Bethmann insisted that he had no desire to be a strong leader. "Still less was he tempted by the role of opposition leader, at the head of the social democratic and progressive anti-U-boat faction, in a struggle against Hindenburg and the Reichstag majority. That would merely be 'an adventure leading to disaster.'" ¹⁹⁸

On January 10, Hindenburg went to the Kaiser and demanded that the Chancellor be dismissed because he had shown such indecision that the Chief of the General Staff could no longer work with him.

The Kaiser refused.¹⁹⁹ The Chancellor had received much criticism for his actions during the period when the decision for unrestricted submarine warfare was made. The Vice-Chancellor, Karl Helfferich, was so upset with Bethmann's surrender on the submarine issue at the Pless conference, that he first avoided him and then tendered his resignation. However, he allowed the Chancellor to persuade him to retain his post.²⁰⁰ Karl E. Birnbaum is highly critical of the Chancellor because he acquiesced and then remained in office. Birnbaum says that Bethmann was apparently correct in his belief that he would not have been able to prevent the unrestricted submarine campaign. But he feels that the Chancellor should have resigned rather than accede to the demands of the OHL.²⁰¹

Birnbaum charges that Bethmann failed to give the OHL a detailed account of current peace negotiations with the United States during the January 9 Pless conference.²⁰² Gerhard Ritter contends that the OHL was kept informed on the negotiations and thus the Chancellor could advance no new arguments and give no alternatives to the submarine campaign.²⁰³ Ritter says that the Chancellor was uncertain of his own position on submarine warfare up until the January 9 conference. If he was more certain, Ritter says that he might have sought a final audience with the Kaiser and perhaps threatened to resign.²⁰⁴ Ritter suggests that this demonstrates Bethmann's limitations as a statesman.²⁰⁵

Although Bethmann Hollweg was not a strong or forceful leader, he had managed to gain acceptance of his policies on submarine warfare since 1915. Because he was unable to repudiate the naval policy of

using submarines against commercial vessels, he pursued a policy of postponing an escalation of submarine warfare for two years. Bethmann realized soon after the February 4, 1915, submarine war zone declaration was issued that it was a mistake and should be withdrawn. He came to that conclusion after receiving the American note of February 10, 1915, in which the United States warned that she would hold Germany to "strict accountability" for the acts of German naval authorities insofar as they affected American lives and property. At this point, the Foreign Office began to predict that an American declaration of war would have disastrous consequences, because of American economic power. It was predicted that American intervention would prolong the war for an indefinite period of time and might cause other European neutrals to enter the war against Germany.²⁰⁶ The Chancellor continued to pursue this policy until January 9, 1917, when he withdrew his opposition to the submarine campaign. He reversed his position, knowing that the United States considered unlimited submarine warfare to be a violation of international law and that she would enter the war against Germany because of it.

The chain of events during the summer and winter of 1916 caused the Chancellor to endorse the submarine campaign. The serious military situation, which caused the fall of General Falkenhayn and the rise of Hindenburg and Ludendorff to power, created an atmosphere of urgency for the use of submarine warfare. This was the only naval plan being submitted for serious consideration by the Naval Department during 1915-1917. Because of the popularity of the submarine campaign with the general public and the fact that it had been en-

dorsed by all the leading naval and military leaders since the winter of 1915, the Chancellor was unable to oppose it. He implemented a policy of postponing the campaign, because of the risk of war with neutrals, including the United States. Bethmann advanced a number of policies during 1916 in order to delay the U-boat campaign. The "two irons in the fire" policy involved the Central Powers' issuance of a peace offer while encouraging President Wilson's peace proposal. This policy failed, because the Entente Powers rejected the Central Powers' peace offer in December, 1916, and because President Wilson's peace proposal stipulated that Germany must reveal her war aims, which Germany was not prepared to do. In late August, Bethmann agreed that the question of submarine warfare should be reconsidered when Field Marshal Hindenburg decided that the military situation had improved sufficiently to merit it. The military authorities had stated that the military situation at the time would not permit the implementation of unrestricted submarine warfare, but that the campaign should begin when it was feasible. The Chancellor accepted this opinion and put a time limit on his policy of delaying the submarine campaign, because Field Marshal Hindenburg was given the authority to decide when the U-boat issue would again be discussed. Bethmann had intended that the issue would merely be reconsidered when the military situation improved; he did not foresee that Hindenburg and Ludendorff would become virtual dictators who would demand a decision. When Hindenburg and Ludendorff insisted that the campaign was necessary after the fall of Rumania, and demanded that it begin by the end of January, Bethmann was unable to prevent it. He had agreed to

the use of unrestricted submarine warfare against armed merchantmen as a stop-gap measure, but the OHL insisted that this was inadequate. Thus Bethmann's final effort to forestall an unlimited campaign was cast aside. He had agreed to the campaign against armed merchantmen, because he lacked the power to prevent it, and he had hoped that this concession would suffice.

When Bethmann finally reversed his policy of opposing unrestricted submarine warfare, it was because he lacked support from other members of the government. By the winter of 1916, all of the major military and naval officials were demanding unlimited U-boat warfare. Admirals Holtzendorff and von Müller, who had supported the Chancellor's policies in the past, were now advocating that the campaign be utilized. Whereas Foreign Secretary von Jagow had opposed unrestricted submarine warfare, his successor, Arthur Zimmermann was in favor of it. In addition, Bethmann lost the support of the Reichstag. And, finally, the Kaiser was persuaded by military and naval authorities to accept the campaign. For these reasons, the Chancellor felt that he had to withdraw his opposition to unlimited submarine warfare.

NOTES TO CHAPTER IX

¹ Ritter, Sword and the Scepter, III, p. 173; Birnbaum, Peace Moves and U-Boat Warfare, p. 81; Scheer, Germany's High Sea Fleet in the World War, p. 242.

² Herwig, German Naval Officer Corps, p. 185.

³ May, World War and American Isolation, p. 292; Ritter, Sword and the Scepter, III, p. 264; Birnbaum, Peace Moves and U-Boat Warfare, p. 139.

⁴ Scheer, Germany's High Sea Fleet in the World War, p. 243.

⁵ Herwig, German Naval Officer Corps, p. 187.

⁶ Arthur Link, Wilson: Campaigns for Progressivism and Peace, 1916-1917 (Princeton: Princeton Univ. Press, 1965), p. 166; also see Herwig, German Naval Officer Corps, pp. 185-8.

⁷ Ibid., p. 186.

⁸ Ritter, Sword and the Scepter, III, p. 264.

⁹ Birnbaum, Peace Moves and U-Boat Warfare, pp. 108-9; Link, Wilson: Campaigns for Progressivism and Peace, p. 166.

¹⁰ Birnbaum, Peace Moves and U-Boat Warfare, pp. 109-10; G8rlitz, Kaiser and His Court, p. 90, n. 30. "Roumania at that time, impressed by the successes of the Russians in Galacia and the Bukovina and under the influence of Queen Marie and the traditional francophile politicians in Bucharest, was determined at a suitable opportunity to enter the war on the side of the Entente." Also see Link, Wilson: Campaigns for Progressivism and Peace, p. 166.

¹¹ Bernstorff, My Three Years in America, p. 283; Birnbaum, Peace Moves and U-Boat Warfare, pp. 110-11; Official German Documents, II, p. 978, Secretary of State v. Jagow to Ambassador Count Bernstorff, June 12, 1916.

¹² Jagow's telegram arrived in Washington on June 16, 1916, and Bernstorff sent his reply on June 19. Bernstorff used the intervening period to consult Colonel House on the possibility of an American peace proposal. Ambassador Bernstorff sent the telegram

only after House assured him that it was not possible. See Birnbaum, Peace Moves and U-Boat Warfare, pp. 111-13.

13 Bernstorff, My Three Years in America, pp. 283-84; Birnbaum, Peace Moves and U-Boat Warfare, p. 113; Official German Documents, II, p. 979, Ambassador Count Bernstorff to the Foreign Office, received Berlin, June 22, 1916.

14 Ibid., pp. 114-15.

15 Ibid., p. 115.

16 Ibid., pp. 116-17.

17 Ibid., pp. 117, 139-40.

18 Scheer, Germany's High Sea Fleet in the World War, p. 243.

19 Link, Wilson: Campaigns for Progressivism and Peace, p. 166.

20 Scheer, Germany's High Sea Fleet in the World War, pp. 243-4; Görlitz, Kaiser and His Court, pp. 174-5, entry for June 24, 1916.

21 Ibid., pp. 175-6; Scheer, Germany's High Sea Fleet in the World War, p. 244.

22 Link, Wilson: Campaigns for Progressivism and Peace, p. 166; Görlitz, Kaiser and His Court, p. 172, entry for June 13, 1916.

23 Birnbaum, Peace Moves and U-Boat Warfare, p. 117; Link, Wilson: Campaigns for Progressivism and Peace, p. 166.

24 Ibid.

25 Scheer, Germany's High Sea Fleet in the World War, p. 245.

26 Görlitz, Kaiser and His Court, p. 179, n. 17; also see Birnbaum, Peace Moves and U-Boat Warfare, p. 118.

27 Bukovina was a part of the Habsburg Empire at this time. It bordered Rumania on the north. See Görlitz, Kaiser and His Court, p. 190, n. 30.

28 Ritter, Sword and the Scepter, III, pp. 189, 186.

- 29 Ibid., pp. 189-91.
- 30 Birnbaum, Peace Moves and U-Boat Warfare, p.119.
- 31 Görlitz, Kaiser and His Court, p. 189, entry for August 2, 1916; Link, Wilson: Campaigns for Progressivism and Peace, p. 167; Birnbaum, Peace Moves and U-Boat Warfare, p. 119.
- 32 Link, Wilson: Campaigns for Progressivism and Peace, p. 167.
- 33 Görlitz, Kaiser and His Court, p. 192, entry for August 14, 1916; Link, Wilson: Campaigns for Progressivism and Peace, p. 167; also see Birnbaum, Peace Moves and U-Boat Warfare, pp. 121-2. Birnbaum says that the Kaiser vetoed the plan. Also see Ritter, Sword and the Scepter, III, pp. 264-5.
- 34 Link, Wilson: Campaigns for Progressivism and Peace, p. 167.
- 35 Birnbaum, Peace Moves and U-Boat Warfare, p. 132.
- 36 Ibid., p. 140.
- 37 Ibid., p. 140; Ritter, Sword and the Scepter, III, p. 264.
- 38 Link, Wilson: Campaigns for Progressivism and Peace, p. 167. Italy had been at war with Austria-Hungary since the spring of 1915 and had broken diplomatic relations with Germany at that time. Birnbaum, Peace Moves and U-Boat Warfare, p. 127.
- 39 Görlitz, Kaiser and His Court, p. 198, entry for August 28, 1916; Link, Wilson: Campaigns for Progressivism and Peace, p. 167; also see Birnbaum, Peace Moves and U-Boat Warfare, pp. 127-8; Ritter, Sword and the Scepter, III, p. 204.
- 40 Birnbaum, Peace Moves and U-Boat Warfare, pp. 131-2.
- 41 Ritter, Sword and the Scepter, III, p. 205.
- 42 Birnbaum, Peace Moves and U-Boat Warfare, p. 132; also see Ritter, Sword and the Scepter, III, pp. 184-5, 201-5; May, World War and American Isolation, p. 291.
- 43 Ritter, Sword and the Scepter, III, p. 204.

44 May, World War and American Isolation, p. 293; Rudolf von Valentini, Kaiser und Kabinettschef, Nach eignen Auszeichnungen und dem Briefwechsel des Wirklichen Geheimen Rats, Bernard Schwertfeger, ed. (Oldenburg: Gerhard Stalling, 1931), pp. 139-40; Karl Georg von Treutler, Die graue Exzellenz, Karl-Heinz Janssen, ed. (Berlin: Ullstein GmbH, 1971), p. 208.

45 Görlitz, Kaiser and His Court, p. 198, entry for August 28, 1916.

46 Ibid., p. 181, entry for July 3, 1916; also see ibid., p. 182, entry for July 4, 1916; Ritter, Sword and the Scepter, III, p. 195.

47 Ibid., p. 50.

48 John Wheeler-Bennett, Wooden Titan: Hindenburg in Twenty Years of German History, 1914-1934 (New York: William Morrow & Co., 1936), p. 72; General Erich von Ludendorff, Ludendorff's Own Story, August 1914--November 1918 (New York: Harper & Brothers Publishers, 1919), I, p. 280; also see May, World War and American Isolation, p. 293.

49 Wheeler-Bennett, Wooden Titan, p. 72, n. 1.

50 Ibid., pp. 72-3; Ludendorff, Ludendorff's Own Story, I, p. 283; May, World War and American Isolation, p. 293; Valentini, Kaiser und Kabinettschef, p. 140; also see Görlitz, Kaiser and His Court, p. 198, entry for August 29, 1916; Link, Wilson: Campaigns for Progressivism and Peace, pp. 167-8.

51 May, World War and American Isolation, pp. 286-7; Wheeler-Bennett, Wooden Titan, pp. 30-1, 76-8.

52 Ibid., p. 78.

53 Ibid., p. 73.

54 Ibid., p. 17; Ritter, Sword and the Scepter, III, p. 206.

55 Ibid., p. 209; Birnbaum, Peace Moves and U-Boat Warfare, p. 137; Wheeler-Bennett, Wooden Titan, pp. 82-3. Wheeler-Bennett notes that Ludendorff's tendency to dominate Hindenburg was aided by Hindenburg's poor health during the fall and winter of 1916 so that "he was no shape to check the activities of his dominating lieutenant."

- 56 Birnbaum, Peace Moves and U-Boat Warfare, p. 137.
- 57 Wheeler-Bennett, Wooden Titan, pp. 68-9.
- 58 Ritter, Sword and the Scepter, III, p. 205.
- 59 Ibid., pp. 50-1, 205.
- 60 May, World War and American Isolation, pp. 291-3; Jarausch, Enigmatic Chancellor, pp. 290-4.
- 61 Görlitz, Kaiser and His Court, p. 187; Ritter, Sword and the Scepter, III, p. 199.
- 62 Ibid.
- 63 May, World War and American Isolation, p. 293.
- 64 Ibid., pp. 293-4. The latter part of the paragraph is May's translation of Valentini, Kaiser und Kabinettschef, p. 140. The original text is as follows: "Wir beglückwünschten uns, nicht zum wenigsten in der Überzeugung, dass nun das bisher unhaltbare Verhältnis zwischen Oberster Heersleitung und politischer Leitung einem vertrauensvollen Zusammenarbeiten Platz machen werde. Wie war es anders denkbar bei dem engen Vertrauensverhältnis das sich zwischen Hindenburg und Bethmann in den letzten schweren Zeiten herausgebildet hatte, und angesichts des energischen Eintretens Bethmanns beim Kaiser für die Berufung Hindenburgs!"
- 65 Birnbaum, Peace Moves and U-Boat Warfare, p. 133.
- 66 Link, Wilson: Campaigns for Progressivism and Peace, p. 168.
- 67 Görlitz, Kaiser and His Court, p. 199, entry for August 29, 1916.
- 68 Birnbaum, Peace Moves and U-Boat Warfare, p. 133; Link, Wilson: Campaigns for Progressivism and Peace, p. 168.
- 69 Birnbaum, Peace Moves and U-Boat Warfare, pp. 133-4; Link, Wilson: Campaigns for Progressivism and Peace, p. 168; Official German Documents, II, pp. 1152-5.
- 70 Birnbaum, Peace Moves and U-Boat Warfare, pp. 134-5; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 168; Official

German Documents, II, pp. 1154-7.

71 Birnbaum, Peace Moves and U-Boat Warfare, p. 135; Official German Documents, II, pp. 1158-9.

72 Birnbaum, Peace Moves and U-Boat Warfare, p. 135; Ludendorff, Ludendorff's Own Story, I, p. 288; Official German Documents, II, p. 1161.

73 Ibid., pp. 1161-2; Birnbaum, Peace Moves and U-Boat Warfare, p. 136; also see May, World War and American Isolation, p. 294; Ritter, Sword and the Scepter, III, p. 266.

74 Birnbaum, Peace Moves and U-Boat Warfare, p. 136.

75 Ibid.; for other accounts of the August 31, 1916, conference, see Ritter, Sword and the Scepter, III, pp. 265-6; Görlitz, Kaiser and His Court, pp. 199-200, entry for August 31, 1916; Wheeler-Bennett, Wooden Titan, p. 87; Bethmann Hollweg, Betrachtungen zum Weltkrieg, II, p. 127; Jarausch, Enigmatic Chancellor, pp. 295-6.

76 Birnbaum, Peace Moves and U-Boat Warfare, pp. 136-7; Erich Ludendorff, Meine Kriegserinnerungen 1914-1918, dritte Auflage (Berlin: Ernst Siegfried Mittler und Sohn, 1919), p. 246. General Ludendorff was obviously under the impression that the OHL had the authority to decide when unrestricted submarine warfare would begin. This was his understanding of the Chancellor's opinion: "Reichskanzler v. Bethmann-Hollweg stellte dies damals fest und fügte hinzu, er würde für die Folge den Entschluss, den U-Bootkrieg in Form des Sperrgebietkriegs zu führen, von einer bezüglichen Erklärung des Generalfeldmarschalls abhängig machen. Der uneingeschränkte U-Bootkrieg würde kommen, wenn der Generalfeldmarschalls es wünsche." Also see General Ludendorff, The General Staff and Its Problems (New York: E. P. Dutton & Co., n.d.), I, pp. 280-2.

77 May, World War and American Isolation, p. 294; also see Janssen, Der Kanzler und der General, p. 253.

78 Ibid.

79 Wheeler-Bennett, Wooden Titan, pp. 87-8.

80 Birnbaum, Peace Moves and U-Boat Warfare, pp. 136-7; May, World War and American Isolation, pp. 294-5; also see Ritter, Sword and the Scepter, III, p. 266.

81 Birnbaum, Peace Moves and U-Boat Warfare, p. 137.

- 82 Birnbaum, Peace Moves and U-Boat Warfare, pp. 4, 138.
- 83 Ibid., p. 138.
- 84 May, World War and American Isolation, p. 295.
- 85 Görlitz, Kaiser and His Court, p. 182, entry for July 5, 1916; Ritter, Sword and the Scepter, III, p. 195; also see Treutler, Die graue Exzellenz, p. 208.
- 86 Görlitz, Kaiser and His Court, p. 183, entry for July 6, 1916, and p. 200, entry for September 2, 1916.
- 87 Birnbaum, Peace Moves and U-Boat Warfare, p. 141.
- 88 Ibid., p. 138.
- 89 Ibid., p. 140.
- 90 Link, Wilson: Campaigns for Progressivism and Peace, pp. 184-5; also see Herwig, German Naval Officer Corps, pp. 188-9.
- 91 Birnbaum, Peace Moves and U-Boat Warfare, pp. 172-3; Link, Wilson: Campaigns for Progressivism and Peace, p. 185; Ritter, Sword and the Scepter, III, p. 271; Scheer, Germany's High Sea Fleet in the World War, p. 246.
- 92 Birnbaum, Peace Moves and U-Boat Warfare, p. 171. Those principles were as follows: "(1) That it was impossible to bring about a satisfactory conclusion to the war without unrestricted submarine warfare. (2) That on no account should there be any half measures in U-boat warfare. (3) That the submarine campaign should begin at the earliest possible moment. (4) That the special agreement with the Nordic countries should be cancelled to make submarine warfare absolutely effective. (5) That no drawing back Zurückweichen must occur in any circumstances."
- 93 Ibid., p. 172; Link, Wilson: Campaigns for Progressivism and Peace, p. 185; Ritter, Sword and the Scepter, III, pp. 269-70.
- 94 Birnbaum, Peace Moves and U-Boat Warfare, p. 173; Link, Wilson: Campaigns for Progressivism and Peace, p. 185.
- 95 Birnbaum, Peace Moves and U-Boat Warfare, p. 173.

⁹⁶ Ibid., p. 175; Link, Wilson: Campaigns for Progressivism and Peace, p. 185; May, World War and American Isolation, p. 405.

⁹⁷ Birnbaum, Peace Moves and U-Boat Warfare, pp. 175-6; Link, Wilson: Campaigns for Progressivism and Peace, p. 185; G8rlitz, Kaiser and His Court, p. 207, entry for Oct. 2, 1916; Official German Documents, II, pp. 1168-70; also see May, World War and American Isolation, p. 405; Ritter, Sword and the Scepter, III, p. 270.

⁹⁸ Birnbaum, Peace Moves and U-Boat Warfare, pp. 176-7; Link, Wilson: Campaigns for Progressivism and Peace, p. 185; Ritter, Sword and the Scepter, III, p. 270; May, World War and American Isolation, pp. 405-6; Official German Documents, II, pp. 170-1, Counselor of the Legation v. Grünau to Imperial Chancellor v. Bethmann-Hollweg, Oct. 2, 1916.

⁹⁹ Birnbaum, Peace Moves and U-Boat Warfare, pp. 177-8; Official German Documents, II, p. 1171, Counselor of the Legation v. Grünau to the Foreign Office, Oct. 5, 1916.

¹⁰⁰ Link, Wilson: Campaigns for Progressivism and Peace, pp. 185-6; Birnbaum, Peace Moves and U-Boat Warfare, p. 202. Admiral Holtzendorff had been able to advocate cruiser rules because of the support of the Chief of the submarine flotilla in Flanders, Captain Bartenbach. Up until this time all of the naval commanders had rejected this alternative.

¹⁰¹ Link, Wilson: Campaigns for Progressivism and Peace, p. 186; Ritter, Sword and the Scepter, III, p. 271.

¹⁰² Birnbaum, Peace Moves and U-Boat Warfare, p. 204. "In both cases the actions of the U-boat commanders were at variance with instructions. The attack on the Marina occurred in waters where, with the exception of warships proper, no vessels were to be torpedoed without warning, unless they attacked the U-boat. In the part of the Mediterranean where the Arabia was sunk, only armed merchantmen and war transports might be attacked without warning, and the Arabia was a passenger ship. Both incidents were new proof of the difficulty of ascertaining the character of a vessel from a submerged submarine." The Marina was sunk off the west coast of Ireland. See also United States Foreign Relations Supplement 1916, pp. 299, 308-9; New York Times, 15 Nov. 1916, p. 1, col. 7, on the Arabia; Link, Wilson: Campaigns for Progressivism and Peace, pp. 186-7. It would seem that May, in World War and American Isolation, p. 336, is mistaken in his statement that the Marina and the Arabia were destroyed according to cruiser rules.

¹⁰³ Birnbaum, Peace Moves and U-Boat Warfare, p. 204; United States Foreign Relations Supplement 1916, pp. 299, 308-10; also see

Link, Wilson: Campaigns for Progressivism and Peace, pp. 186-7. Apparently all of the Americans traveling on board the Arabia were saved.

104 New York Times, 2 Nov. 1916, pp. 1-2; Link, Wilson: Campaigns for Progressivism and Peace, p. 186.

105 United States Foreign Relations Supplement 1916, p. 310, Secretary of State to the Chargé in Germany (Grew), Nov. 18, 1916; Link, Wilson: Campaigns for Progressivism and Peace, p. 187.

106 Lansing Papers, I, pp. 575-6, Secretary of State to President Wilson, Dec. 8, 1916; Smith, Lansing and American Neutrality, p. 149; also see Link, Wilson: Campaigns for Progressivism and Peace, pp. 187, 193. Wilson did not reply to Lansing's Dec. 8 letter.

107 Ibid., pp. 187-8; see also Seymour, Intimate Papers of Colonel House, II, pp. 390-2; Smith, Lansing and American Neutrality, pp. 148-9; Baker, Woodrow Wilson: Life and Letters, Vol. 6, pp. 364-5, 372-3.

108 Link, Wilson: Campaigns for Progressivism and Peace, pp. 191-2, 251, n. 111; United States Foreign Relations Supplement 1916, pp. 312-13, Chargé in Germany (Grew) to the Secretary of State, Nov. 27, 1916. This note was on the Marina. It said that the submarine commander was convinced that the vessel was a naval transport. Germany offered full reparation should an investigation prove that the submarine commander was in error. The United States received a similar response in the Arabia case. Ibid., p. 319, the Chargé in Germany (Grew) to the Secretary of State, Dec. 4, 1916. The submarine commander was convinced that the Arabia was a troop transport. Birnbaum, Peace Moves and U-Boat Warfare, pp. 207-8. See Official German Documents, II, pp. 991-7, for German correspondence on the Arabia and Marina cases.

109 Link, Wilson: Campaigns for Progressivism and Peace, p. 191; Birnbaum, Peace Moves and U-Boat Warfare, pp. 220-1; Ritter, Sword and the Scepter, III, pp. 286-7; also see Bernstorff, My Three Years in America, pp. 305-6.

110 Birnbaum, Peace Moves and U-Boat Warfare, p. 203.

111 Ritter, Sword and the Scepter, III, p. 287.

112 Birnbaum, Peace Moves and U-Boat Warfare, p. 205; also see Górlitz, Kaiser and His Court, p. 219, entry for Nov. 26, 1916.

113 Link, Wilson: Campaigns for Progressivism and Peace, p. 192; Birnbaum, Peace Moves and U-Boat Warfare, pp. 213-14.

114 Görlitz, Kaiser and His Court, p. 221, entry for December 2, 1916.

115 May, World War and American Isolation, p. 299.

116 Ibid., pp. 296-7; also see Ritter, Sword and the Scepter, III, pp. 266-7.

117 Ibid., pp. 271-3; Fischer, Germany's Aims in the First World War, pp. 292-3; Hajo Holborn, A History of Modern Germany 1840-1945 (New York: Alfred A. Knopf, 1975), pp. 457-8.

118 Ritter, Sword and the Scepter, III, p. 274; May, World War and American Isolation, p. 299, offers this version: "For the political decision concerning the conduct of the war the Chancellor alone is responsible to the Reichstag. The decision of the Chancellor will have to be supported basically by the conclusion of the Supreme Command. If the decision is against the conduct of a ruthless U-boat war, then the Chancellor may be sure of the agreement of the Reichstag." Also see Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 128. Bethmann-Hollweg gives this as the verbatim resolution: "Der Beschluss des Zentrum lautete wörtlich: 'Für die politische Entscheidung über die Kriegsführung ist dem Reichstag gegenüber der Reichskanzlers allein verantwortlich. Die Entscheidung des Reichskanzlers wird sich dabei wesentlich auf die Entscheidung der Obersten Heersleitung zu stützen haben. Fällt die Entscheidung für die Führung des rücksichtslosen Ubootkrieges aus, so darf der Reichskanzler des Einverständnisses des Reichstages sicher sein.'" Also see Link, Wilson: Campaigns for Progressivism and Peace, p. 240; Epstein, Matthias Erzberger and the Dilemma of German Democracy, pp. 159-60; Hanssen, Diary of a Dying Empire, pp. 155-6.

119 May, World War and American Isolation, pp. 299-301; also see Ritter, Sword and the Scepter, III, p. 274.

120 Barbara W. Tuchman, The Zimmermann Telegram (New York: Bantam Books, 1966), p. 108; Ritter, Sword and the Scepter, III, p. 213; Jarausch, Enigmatic Chancellor, p. 295.

121 Birnbaum, Peace Moves and U-Boat Warfare, p. 216.

122 Tuchman, Zimmermann Telegram, p. 108; Bernstorff, My Three Years in America, p. 388; Valentini, Kaiser und Kabinettschef, p. 141;

Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 583; Bernstorff, Memoirs of Count Bernstorff, pp. 164-5, Jagow to Bernstorff, Sept. 2, 1919. Jagow gives these reasons for his resignation: "At the end of November came my resignation, the Supreme Command had turned against me too....But in the last resort I take the view that it was the influence of politicians such as Stresemann and Co. who, via Bauer and others, had worked against me. Spahn once said to me that I was regarded as the 'soul' of the resistance against unrestricted U-Boat warfare....With Zimmermann the fanatical U-Boat warriors thought they had a free hand. He was in his heart always pro-U-Boat; that is, he always swam with the stream and with those who shouted loudest." See also United States Foreign Relations Supplement 1916, pp. 67-8, 72, Chargé in Germany (Grew) to the Secretary of State, Nov. 23, 1916, and the Chargé in Germany (Grew) to the Secretary of State, Nov. 28, 1916; Birnbaum, Peace Moves and U-Boat Warfare, p. 217; Ritter, Sword and the Scepter, III, pp. 539-40 (see n. 11). Ritter challenges Fritz Fischer's opinion that Jagow was removed because of his "racialist" views. Ritter maintains that Fischer's analysis is inaccurate. Cf. Fischer, Germany's Aims in the First World War, p. 295; see also Holborn, A History of Modern Germany, p. 454.

123 Birnbaum, Peace Moves and U-Boat Warfare, p. 217.

124 Ritter, Sword and the Scepter, III, p. 213.

125 Tuchman, Zimmermann Telegram, p. 108; Valentini, Kaiser und Kabinettschef, p. 141.

126 Birnbaum, Peace Moves and U-Boat Warfare, pp. 216-17; Bernstorff, Memoirs of Count Bernstorff, p. 164; also see Ritter, Sword and the Scepter, III, p. 540, n. 11-12; Tuchman, Zimmermann Telegram, pp. 108-9.

127 Birnbaum, Peace Moves and U-Boat Warfare, pp. 217-18; also see Tuchman, Zimmermann Telegram, pp. 105-12.

128 Birnbaum, Peace Moves and U-Boat Warfare, p. 237; Link, Wilson: Campaigns for Progressivism and Peace, pp. 212-13; May, World War and American Isolation, pp. 401-2; also see Ludendorff, Meine Kriegserinnerungen 1914-1918, p. 247; Ritter, Sword and the Scepter, III, p. 287.

129 Birnbaum, Peace Moves and U-Boat Warfare, pp. 228, 235.

130 Ibid., p. 237; also see May, World War and American Isolation, p. 408; Ludendorff, General Staff and Its Problems, I, p. 285.

131 Birnbaum, Peace Moves and U-Boat Warfare, p. 238; Ludendorff, General Staff and Its Problems, I, p. 285; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 213. Link maintains that the unrestricted submarine campaign was to begin at the end of January if the peace proposal failed. Cf. Ritter, Sword and the Scepter, III, p. 288. Ritter says that the submarine campaign was apparently not dependent on the failure of the peace proposal.

132 Birnbaum, Peace Moves and U-Boat Warfare, pp. 238-9; May, World War and American Isolation, p. 409.

133 Birnbaum, Peace Moves and U-Boat Warfare, p. 239; May, World War and American Isolation, p. 409; also see Ritter, Sword and the Scepter, III, p. 288; Link, Wilson: Campaigns for Progressivism and Peace, p. 213.

134 Ibid.; May, World War and American Isolation, p. 409; Ritter, Sword and the Scepter, III, p. 288; Cf. Birnbaum, Peace Moves and U-Boat Warfare, p. 239, n. 4; Jarausch, Enigmatic Chancellor, p. 298.

135 Birnbaum, Peace Moves and U-Boat Warfare, p. 240; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 213.

136 Ibid., p. 214.

137 Ibid., pp. 216-17.

138 Birnbaum, Peace Moves and U-Boat Warfare, p. 251; United States Foreign Relations Supplement 1916, p. 89, Charge in Germany (Grew) to the Secretary of State, Dec. 13, 1916.

139 Birnbaum, Peace Moves and U-Boat Warfare, p. 251; Link, Wilson: Campaigns for Progressivism and Peace, pp. 217-19, 233; United States Foreign Relations Supplement 1916, pp. 97-99.

140 Link, Wilson: Campaigns for Progressivism and Peace, p. 235; Ritter, Sword and the Scepter, III, pp. 298-300, 290-1. These pages (290-1) contain a discussion of the annexationist aims of naval and military leaders. See also Birnbaum, Peace Moves and U-Boat Warfare, p. 260; Fischer, Germany's Aims in the First World War, pp. 288, 293, 296.

141 Birnbaum, Peace Moves and U-Boat Warfare, p. 266; Link, Wilson: Campaigns for Progressivism and Peace, p. 236; United States

Foreign Relations Supplement 1916, pp. 117-18, Ambassador in Germany (Gerard) to the Secretary of State, Dec. 26, 1916; Link, Wilson: Campaigns for Progressivism and Peace, p. 239--The Entente Powers did reveal their war aims.

¹⁴² May, World War and American Isolation, pp. 409-10; Ritter, Sword and the Scepter, III, p. 304; Link, Wilson: Campaign for Progressivism and Peace, pp. 239-40; Ludendorff, General Staff and Its Problems, I, p. 289, Ludendorff to Zimmermann, Dec. 20, 1916; Official German Documents, II, p. 1199, Secretary of the Legation v. Lersner to the Foreign Office, Dec. 20, 1916; Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, pp. 128-9; Arno Spindler, La Guerre Sous-Marine, III, p. 476; also see Birnbaum, Peace Moves and U-Boat Warfare, pp. 249, 276.

¹⁴³ Ludendorff, General Staff and Its Problems, I, p. 289, Secretary of State to Baron von Lersner, Dec. 21, 1916; Official German Documents, II, pp. 1199-1200, Secretary of State Zimmermann to Secretary of the Legation v. Lersner, Dec. 21, 1916; Birnbaum, Peace Moves and U-Boat Warfare, p. 276; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 240; May, World War and American Isolation, p. 410; Ritter, Sword and the Scepter, III, p. 304.

¹⁴⁴ Official German Documents, II, pp. 1200-1, Secretary of the Legation v. Lersner to the Foreign Office, Dec. 22, 1916; Birnbaum, Peace Moves and U-Boat Warfare, p. 277; also see May, World War and American Isolation, p. 410; Ritter, Sword and the Scepter, III, p. 304; cf. Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 129.

¹⁴⁵ Ludendorff, General Staff and Its Problems, I, p. 294, Ludendorff to the Imperial Chancellor, Dec. 23, 1916; also see Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, pp. 129-30; cf. Link, Wilson: Campaigns for Progressivism and Peace, p. 240; Official German Documents, II, p. 1201-2, Secretary of the Legation v. Lersner to the Foreign Office, Dec. 23, 1916.

¹⁴⁶ Ibid., p. 1203, Imperial Chancellor v. Bethmann-Hollweg to Secretary of the Legation v. Lersner, Dec. 23, 1916; Ludendorff, General Staff and Its Problems, I, pp. 296-7, Imperial Chancellor to Field Marshall von Hindenburg, Dec. 24, 1916; Link, Wilson: Campaigns for Progressivism and Peace, pp. 240-1; Birnbaum, Peace Moves and U-Boat Warfare, pp. 280-1; also see Ritter, Sword and the Scepter, III, p. 305; May, World War and American Isolation, p. 410.

¹⁴⁷ Official German Documents, II, p. 1204, Secretary of the Legation v. Lersner to the Foreign Office, Dec. 26, 1916; Ludendorff, General Staff and Its Problems, I, p. 298, Ludendorff to the Chancellor, Dec. 26, 1916.

148 Official German Documents, II, pp. 1204-5, Secretary of the Legation v. Lersner to the Foreign Office, Dec. 26, 1916.

149 Birnbaum, Peace Moves and U-Boat Warfare, p. 282; May, World War and American Isolation, p. 410; Ritter, Sword and the Scepter, III, pp. 305-6. Ritter is uncertain as to whether the statement of the difference of opinion between the political and military authorities was to be announced publicly. See also Spindler, La Guerre Sous-Marine, III, p. 479.

150 Bethmann-Hollweg, Betrachtungen zum Weltkriege, II, pp. 130-1.

151 Birnbaum, Peace Moves and U-Boat Warfare, p. 282; cf. May, World War and American Isolation, p. 410.

152 Official German Documents, II, pp. 1214-19, Chief of the Admiralty Staff v. Holtzendorff to Chief of the General Staff v. Hindenburg, Dec. 22, 1916 (pp. 1219-77 contain memo); Birnbaum, Peace Moves and U-Boat Warfare, pp. 277-8; Link, Wilson: Campaigns for Progressivism and Peace, pp. 241-2; Ritter, Sword and the Scepter, III, p. 306; Spindler, La Guerre Sous-Marine, III, pp. 479-82; also see Scheer, Germany's High Sea Fleet in the World War, pp. 248-53.

153 Official German Documents, II, pp. 1316-18; Birnbaum, Peace Moves and U-Boat Warfare, p. 315.

154 G8rlitz, Kaiser and His Court, p. 229, entry for Jan. 8, 1917.

155 May, World War and American Isolation, p. 411. Ludendorff and Helfferich had a difference of opinion over the auxiliary service law. Ritter, Sword and the Scepter, III, p. 308.

156 Valentini, Kaiser und Kabinettschef, p. 142; May, World War and American Isolation, p. 411.

157 Birnbaum, Peace Moves and U-Boat Warfare, p. 283; Ritter, Sword and the Scepter, III, p. 308; May, World War and American Isolation, pp. 411-12.

158 Birnbaum, Peace Moves and U-Boat Warfare, pp. 283-4; Ritter, Sword and the Scepter, III, p. 308; Link, Wilson: Campaigns for Progressivism and Peace, p. 243.

159 Birnbaum, Peace Moves and U-Boat Warfare, p. 284.

- 160 Ibid., p. 285; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 243.
- 161 Birnbaum, Peace Moves and U-Boat Warfare, p. 285.
- 162 Ibid., pp. 286, 288, 313.
- 163 Ibid., pp. 304-5; also see Scheer, Germany's High Sea Fleet in the World War, p. 253.
- 164 Birnbaum, Peace Moves and U-Boat Warfare, p. 305.
- 165 Ibid., pp. 305-6; Ritter, Sword and the Scepter, III, p. 311.
- 166 Birnbaum, Peace Moves and U-Boat Warfare, p. 306; also see Ritter, Sword and the Scepter, III, p. 311; Link, Wilson: Campaigns for Progressivism and Peace, pp. 243-4.
- 167 Official German Documents, II, p. 1205, Counselor of Legation Grünau to the Foreign Office, Jan. 8, 1917; Birnbaum, Peace Moves and U-Boat Warfare, p. 315; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 244; May, World War and American Isolation, p. 413.
- 168 Görlitz, Kaiser and His Court, pp. 228-9, entry for Jan. 8, 1917.
- 169 Ibid., p. 229; Link, Wilson: Campaigns for Progressivism and Peace, p. 244; also see Ritter, Sword and the Scepter, III, p. 312; Herwig, German Naval Officer Corps, p. 189; Birnbaum, Peace Moves and U-Boat Warfare, p. 316.
- 170 May, World War and American Isolation, p. 413; Ritter, Sword and the Scepter, III, p. 313.
- 171 Görlitz, Kaiser and His Court, p. 230, entry for Jan. 9, 1917; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 244; May, World War and American Isolation, p. 413; Ritter, Sword and the Scepter, III, p. 313; Jarausch, Enigmatic Chancellor, p. 300.
- 172 Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 131. "Als ich am Morgen des 9. in Pless eintraf, war die Entscheidung de facto bereits gefallen. Oberste Heeresleitung und Admiralstab waren ihrerseits entschlossen, den Ubootkrieg zu machen. Der Kaiser stellte sich auf ihre Seite." Also see Spindler, La Guerre Sous-Marine, III, p. 486; Birnbaum, Peace Moves and U-Boat Warfare, p. 319.

173 There is no clear account of these conferences. Valentini, in Kaiser und Kabinettschef, p. 144, says that Bethmann negotiated with Admiral Holtzendorff, Admiral Müller and Hindenburg and Ludenburg. However, Bethmann Hollweg says that he spoke with Hindenburg and Ludendorff alone. Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 137. On this basis, Birnbaum, in Peace Moves and U-Boat Warfare, p. 319, n. 2, concludes that Valentini was mistaken and that Bethmann did talk with Hindenburg and Ludendorff alone. Birnbaum reasons that the Chancellor probably talked to Müller and Holtzendorff before he saw Valentini at one o'clock and told him of the meeting with the OHL. Also see Link, Wilson: Campaigns for Progressivism and Peace, p. 244.

174 Ritter, Sword and the Scepter, III, p. 313; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 245, n. 90; cf. May, World War and American Isolation, p. 413.

175 Valentini, Kaiser und Kabinettschef, p. 144; Link, Wilson: Campaigns for Progressivism and Peace, p. 245; Ritter, Sword and the Scepter, III, p. 314; also see Birnbaum, Peace Moves and U-Boat Warfare, p. 319.

176 Ibid., p. 320.

177 Ibid., p. 319.

178 Ibid.; Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 137.

179 Link, Wilson: Campaigns for Progressivism and Peace, p. 244; Ritter, Sword and the Scepter, III, p. 313.

180 Ibid., pp. 313-14; Official German Documents, II, p. 1320; cf. May, World War and American Isolation, pp. 413-14.

181 Link, Wilson: Campaigns for Progressivism and Peace, p. 245; Official German Documents, II, pp. 1320-1; also see Ritter, Sword and the Scepter, III, p. 314; cf. Birnbaum, Peace Moves and U-Boat Warfare, pp. 319-20. Birnbaum says that General Ludendorff stated that everything must be done to prevent enemy superiority, especially on the Western Front. At that point, Ludendorff insisted on the submarine campaign.

182 Official German Documents, II, p. 1320; Link, Wilson: Campaigns for Progressivism and Peace, p. 245; also see Ritter, Sword and the Scepter, III, p. 314; Jarausch, Enigmatic Chancellor, p. 300; Ludendorff, Ludendorff's Own Story, I, pp. 376-7.

- 183 Official German Documents, II, pp. 1320-1; Link, Wilson: Campaigns for Progressivism and Peace, p. 245.
- 184 Valentini, Kaiser und Kabinettschef, p. 144.
- 185 May, World War and American Isolation, p. 413.
- 186 Ibid.
- 187 Link, Wilson: Campaigns for Progressivism and Peace, p. 245; Valentini, Kaiser und Kabinettschef, pp. 144-5; also see Ritter, Sword and the Scepter, III, p. 314.
- 188 Birnbaum, Peace Moves and U-Boat Warfare, pp. 320-1, n. 8.
- 189 Official German Documents, II, pp. 1206-8; Birnbaum, Peace Moves and U-Boat Warfare, pp. 321-2; Link, Wilson: Campaigns for Progressivism and Peace, pp. 245-6; also see Ritter, Sword and the Scepter, III, p. 313.
- 190 Birnbaum, Peace Moves and U-Boat Warfare, p. 322.
- 191 G8rlitz, Kaiser and His Court, p. 230, entry for Jan. 9, 1917.
- 192 May, World War and American Isolation, pp. 414-15; Link, Wilson: Campaigns for Progressivism and Peace, p. 246; Birnbaum, Peace Moves and U-Boat Warfare, pp. 322-3; Valentini, Kaiser und Kabinettschef, pp. 145-6—Valentini wrote "Finis Germaniae!" in his note book. Also see Ritter, Sword and the Scepter, III, p. 315; Wheeler-Bennett, Wooden Titan, pp. 90-1.
- 193 Valentini, Kaiser und Kabinettschef, p. 146; Link, Wilson: Campaigns for Progressivism and Peace, p. 247.
- 194 G8rlitz, Kaiser and His Court, pp. 230-1; also see Link, Wilson: Campaigns for Progressivism and Peace, pp. 247-8; Ritter, Sword and the Scepter, III, p. 316.
- 195 Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 131. See n. 172 of this chapter (above) for the text of Bethmann's statement.
- 196 May, World War and American Isolation, p. 415; Ritter, Sword and the Scepter, III, p. 316.

197 Ibid., pp. 316-17; also see Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, pp. 135-9.

198 Ritter, Sword and the Scepter, III, p. 316; Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, p. 136, n. 1.

199 Valentini, Kaiser und Kabinettschef, pp. 146-7; Link, Wilson: Campaigns for Progressivism and Peace, p. 248; Ritter, Sword and the Scepter, III, p. 345; also see Görlitz, Kaiser and His Court, p. 231, entry for Jan. 10, 1917; Bethmann-Hollweg, Betrachtungen zum Weltkrieg, II, 138.

200 Ritter, Sword and the Scepter, III, p. 316. Also see Helfferich's statement of Nov. 14, 1919 to the Second Subcommittee of the National Constituent Assembly on the inquiry of the responsibility for the war, in Official German Documents, II, p. 692.

201 Birnbaum, Peace Moves and U-Boat Warfare, pp. 286-7, 313.

202 Ibid., pp. 324-5.

203 Ritter, Sword and the Scepter, III, pp. 314-15 (see n. 166 on p. 558).

204 Ibid., p. 317 (see n. 172 on p. 559). Ritter thinks that Valentini's account of the Chancellor is colored by his own strong anti-U-boat war convictions.

205 Ibid., pp. 317-18.

206 See Chapter II (above), pp. 78-9.

CHAPTER X

THE AMERICAN DECLARATION OF WAR

During the period when the decision for unrestricted submarine warfare was being made in Germany, German Ambassador Count Johann von Bernstorff was engaged in negotiations with Colonel Edward M. House on Wilson's peace proposal of December 18, 1916. Although Ambassador Bernstorff was not aware of the decision for unrestricted submarine warfare until January 19, 1917, "he suspected the trend of events in Berlin."¹ Prior to that time, he received the announcement of the unrestricted submarine campaign against armed merchant vessels, but no mention of the impending decision for unrestricted submarine warfare.² The instructions regarding the campaign against armed merchantmen were issued on January 4, and Bernstorff delivered the notice to Secretary of State Robert Lansing on January 10. The note said that the new campaign did not cancel the Sussex pledge of May 4, 1916. Memoranda accompanying the note cited mounting evidence that merchantmen were being armed and instructed to attack submarines without provocation. It was also stated that the English government punished captains who failed to attack submarines when the opportunity arose and that Britain offered monetary rewards for sinking German submarines. Under these circumstances, it was impossible for submarines to issue warning or conduct visit and search. The American memorandum of March 25, 1916, on armed merchantmen was

cited as evidence in this regard.³

Ambassador Bernstorff received the declaration of unrestricted submarine warfare on January 19, but was instructed not to deliver it to the American government until January 31.⁴ He used the intervening period to attempt to persuade the German government to postpone or cancel the submarine campaign. Bernstorff felt that the submarine warfare declaration constituted a declaration of war against the United States and that it would cancel Wilson's peace proposal.⁵ On January 19 Bernstorff wired Berlin urging that the submarine campaign be delayed one month to spare neutral vessels and passengers in transit at that time, and to allow the peace negotiations to continue.⁶ After President Wilson's "peace without victory" speech to the Congress on January 22, Ambassador Bernstorff urged the disclosure of German peace terms. Colonel House told Bernstorff that this should be done as soon as possible, for then President Wilson would immediately propose a peace conference.⁷ On January 27 Ambassador Bernstorff repeated his plea for German co-operation on the American peace offer and insisted that the U-boat campaign ought to be postponed.

If the U-boat campaign is opened without further ado, the President will regard this as a smack in the face, and war with the United States will be inevitable. The war party here will gain the upper hand, and the end of the war will be quite out of sight, as, whatever people may say to the contrary, the resources of the United States are enormous. On the other hand, if we acquiesce in Wilson's proposal, but the scheme nevertheless comes to grief owing to the stubbornness of our enemies, it would be very hard for the President to come into the war against us, even if by that time we began our unrestricted U-boat war. At present, therefore it is only a matter of postponing the declaration for a little while so that we may improve our diplomatic position.

For my own part, I confess that I am of opinion that we shall obtain a better peace now by means of conferences, than we should if the United States joined the ranks of our enemies.⁸

Bernstorff's telegram, which arrived in Berlin on January 28, caused the Chancellor to make one final effort to postpone the submarine campaign.⁹ Chancellor Bethmann Hollweg summoned Karl Helfferich, the Minister of the Interior, to meet with him at 10:00 p.m. Helfferich found the Chancellor excited and hopeful of preventing war with the United States and, perhaps, of securing peace.¹⁰ The Chancellor had decided to inform Wilson of the German peace conditions that Germany would submit, in the event that peace negotiations, as proposed by Germany, should take place.¹¹ Consequently, Bethmann sent a copy of Ambassador Bernstorff's telegram to Pless with the information that he was leaving for Pless to discuss the matter. He left that evening with Secretary of State Arthur Zimmermann. The Kaiser became quite upset when he was told that the Chancellor was en route to Pless. Chief of the Naval Cabinet Admiral von Müller noted that the "Kaiser is beside himself because once more he has to make a decision."¹² The imperial conference took place at noon,¹³ on January 29, and was attended by the Kaiser, Admiral von Müller, the Chancellor, Secretary Zimmermann, Field Marshal Paul von Hindenburg and General Erich von Ludendorff, Chief of the Military Cabinet Moriz Freiherr von Lyncker and Colonel-General Hans von Plessen, who was the Orderly Adjutant-General to the Kaiser and Headquarters Commandant. The Chancellor read his draft instructions to Ambassador Bernstorff, instructions which he had

written the day before concerning the peace proposal. Bernstorff was informed that the submarine campaign would have to proceed as planned and that he was to encourage President Wilson to continue his efforts to bring about peace negotiations. President Wilson was to be told, confidentially, of German peace terms. According to Admiral Müller's account,

The Chancellor skilfully defended his instructions which, without abandoning U-boat warfare, will make it possible for America not to enter the war immediately. Perhaps, in the meantime the U-boat warfare will have proved so successful that she will think twice before going to war at all.

Hindenburg agreed, as did the Kaiser, but he insisted that the instructions must clearly indicate that Wilson is not himself the mediator.¹⁴

The Chancellor was unable to obtain a postponement of the submarine campaign.¹⁵ The Admiralty Staff told him that it would be impossible to recall the submarines.¹⁶ A large number of submarines had already sailed with instructions to engage in unrestricted submarine warfare on February 1, 1917, and the Admirals told Bethmann that it would be impossible to communicate with the vessels. Gerhard Ritter says that this "does not seem very plausible."

If there were indeed technical communication difficulties, surely this should have at worst resulted in only a handful of additional 'incidents'; but it is possible that the OHL opposed the catalog of peace terms to be made known to the enemy, agreeing to it only if it were designated as 'already obsolete.'¹⁷

The Foreign Office sent Ambassador Bernstorff three telegrams on January 29, 1917. The first said that the postponement of the submarine campaign was impracticable;¹⁸ the second indicated that

a detailed reply had been sent; and the last telegram outlined the German peace terms which Bernstorff was instructed to present only to President Wilson, "for his own personal information." Ambassador Bernstorff was to deliver this telegram to the President together with the unrestricted submarine warfare declaration and this announcement:

If his proposal had only been made a few days earlier, we would have been able to put off the commencement of the new U-boat war; inform him that, at the present time, in spite of the best will in the world, it is unfortunately, too late on account of technical reasons, since far-reaching military preparations have been decided upon from which we are no longer in a position to recede, and because the U-boats have already left port with new instructions. That the form and the contents of the enemy's note answering our peace proposal and the note of the President were so blunt that, in view of the newly-announced fight for life and death, we could no longer delay putting to full account those instrumentalities of warfare best adapted to a rapid termination of the war, nor have been able to answer to our own people for our failure to do so.¹⁹

Upon receiving the telegram, Ambassador Bernstorff immediately informed Colonel House of the German peace terms²⁰ and the fact that the submarine campaign would begin soon.²¹ Bernstorff made arrangements to meet with Secretary Lansing at 4:00 p.m. on January 31, 1917.²² At that time, Count Bernstorff presented the Secretary of State with a letter expressing Germany's wish to co-operate with the United States in preventing future wars and he presented the Secretary with two memoranda on the unrestricted submarine campaign which was to begin on February 1, 1917. Unrestricted submarine warfare would be carried out in blockade zones around Great Britain, France, Italy and in the Eastern Mediterranean. A sea lane was pro-

vided for neutral passage through the Mediterranean into Greek territorial waters. All vessels would be subject to submarine attack without warning in the blockade zones. However, neutral vessels currently in transit to and from the blockaded zones would be spared during a brief grace period. And provisions were made for one American passenger vessel a week to sail to Falmouth, England, if the United States guaranteed that it carried no contraband (as it was defined by the German government), if it was clearly marked with three vertical stripes, painted alternately red and white on the hull and superstructure, and if it flew checkered flags in addition to the American flag.²³ This was the German Ambassador's last interview with Secretary Lansing, and both men realized that end had come;²⁴ they knew that the United States would break relations, because of the submarine warfare decree. Germany realized that the United States considered unrestricted submarine warfare illegal, and the final decision to implement this decision was made with the knowledge that it would cause a rupture in diplomatic relations and, ultimately a declaration of war. However, the German military leadership considered the United States a quantité négligeable and insisted that the successful prosecution of the submarine campaign must take precedence. The unusually solemn Bernstorff handed the Secretary these documents, which the Secretary read and then discussed with the Ambassador.

As I finished my deliberate perusal of the papers, I laid them on the desk and turned toward Count Bernstorff. 'I am sorry,' he said, to have to bring about this situation but my government could do nothing else.'

I replied, 'That is of course the excuse given for this sudden action, but you must know that it cannot be accepted.'

'Of course; of course,' he said, 'I understand that. I know it is very serious, very, and I deeply regret that it is necessary.'

'I believe you do regret it,' I answered, 'for you know what the result will be. But I am not blaming you personally.'

'You should not,' he said with evident feeling, 'you know how constantly I have worked for peace.'

'I do know it,' I said. 'I have never doubted your desire or failed to appreciate your efforts.'

'I still hope,' he said, speaking with much earnestness, 'that with a full realization of Germany's situation your government will in justice decide that the notification of blockade is entirely warranted.'

I answered him that I could not discuss the merits until I had thoroughly digested the documents, but I would say that the first reading had made a very bad impression, and that to give only eight hours notice without any previous warning of intention was in my opinion an unfriendly and indefensible act.²⁵

Lansing reiterated that he could not discuss the matter further and, with tears in his eyes, Count Bernstorff took his leave.²⁶ Count Bernstorff knew that the submarine warfare decree would cause the United States to enter the war and, therefore, he recognized that his efforts to preserve relations with the United States had failed. Bernstorff had been urging Germany to accommodate the American point of view on submarine warfare since the Lusitania crisis in May, 1915. He recommended that Germany pay indemnities for the Lusitania and that submarines observe cruiser rules of warfare for passenger liners. Also, he advocated German-American co-operation in order to achieve freedom of the seas, and he began to encourage President Wilson to issue a peace proposal. Bernstorff remained an ardent opponent of unrestricted submarine warfare throughout 1915-1917 and had repeatedly warned the Foreign Office that, unless submarines

followed cruiser rules of warfare, the United States would enter the war; and he believed that this would be catastrophic for Germany. He had exceeded his authority during the Arabic crisis in September, 1915, by publishing the Arabic pledge that submarines would observe cruiser rules for passenger liners. Bernstorff was convinced that he had had to exceed his instructions in order to preserve German-American relations. Thus the unrestricted submarine warfare declaration of February 1, 1917, constituted a repudiation of the policies which Bernstorff sought to implement from May, 1915, to February, 1917.

Although the United States was not officially informed of the impending submarine campaign until January 31, the State Department had received reports, from various sources, that advocates of unrestricted submarine warfare were gaining strength and that the campaign would occur.²⁷ Secretary Lansing was convinced by January 24, 1917, that Germany would reopen the submarine campaign, and although he had thought that the campaign would not begin until spring, because of winter weather conditions, he felt that it might begin sooner than he had expected. Lansing believed that only the lack of submarines had kept Germany from renewing submarine warfare. Reports of accelerated building programs and increased pressure for the campaign led him to speculate that increased submarine activity would occur in the immediate future.²⁸ American Ambassador James W. Gerard submitted a report on January 21, 1917, which said that the campaign against armed merchantmen would be a guise for an unrestricted submarine campaign.²⁹ Both Secretary Lansing and Presi-

dent Wilson had read the report and the President felt that it was probably accurate.³⁰ But President Wilson apparently preferred to withhold judgment on the incipient submarine campaign. Certainly Secretary Lansing had no indication as to what the President thought about these matters.³¹ Unlike President Wilson, Lansing had decided that, in the event of a German submarine campaign, the United States should break relations with Germany,³² and he concluded that the United States should enter the war in any event.³³

By January 20, Colonel House had assumed that the submarine campaign was about to begin. He had inferred this from Ambassador Bernstorff's letter of January 20. After Bernstorff received notice of the campaign on January 19, 1917, he wrote to House saying that the situation was critical.

...I am afraid the situation in Berlin is getting out of our hands. The exorbitant demands of our enemies, and the insolent language of their note to the President seem to have infuriated public opinion in Germany to such an extent, that the result may be anything but favorable to our peace plansIn Berlin they seem to believe that the answer of our enemies to the President has finished the whole peace movement for a long time to come, and I am, therefore, afraid that my Government may be forced to act accordingly in a very short time.³⁴

Colonel House forwarded the letter to President Wilson on the same day with the observation that perhaps the Germans were "manoeuvring for position in regard to the resumption of unbridled submarine warfare."³⁵ And on January 26, 1917, Bernstorff told House that the submarine campaign would begin in the spring.³⁶ Thus Colonel House was not surprised when Ambassador Bernstorff sent him a letter on January 31, 1917, which contained the official memorandum

announcing the submarine campaign.³⁷

After Ambassador Bernstorff left Secretary Lansing's office on January 31, 1917, having delivered the submarine declaration, Lansing telephoned the White House to inform the President of these events. However, the President was out and did not read the documents which Lansing had sent to the White House until eight o'clock that evening, at which time he called the Secretary of State and asked to meet with him. Wilson and Lansing spent nearly two hours discussing the note that evening. Lansing told the President that the United States should continue the policies set forth in the Sussex note of April 18, 1916, and break relations with Germany. The only question in his mind, Lansing said, was whether or not the United States ought to consider the renewal of unrestricted submarine warfare an act of war. However, the President had not decided what to do.

The President, though deeply incensed at Germany's insolent notice, said that he was not yet sure what course we must pursue and must think it over; that he had been more and more impressed with the idea that 'white civilization' and its domination over the world rested largely on our ability to keep this country intact, as we would have to build up the nations ravaged by the war. He said that as this idea had grown upon him he had come to the feeling that he was willing to go to any lengths rather than to have the nation actually involved in the conflict.³⁸

The Secretary of State argued that the United States ought to break relations with Germany now, because relations were bound to be broken in the near future anyway, and the United States would be in a stronger position if she acted now. If the United States procrastinated, she would lose world prestige. The President said that he

was not convinced of that. If he thought that the United States should remain out of the war for the good of the world, then he would be willing to endure all of the adverse criticism which would follow that decision. Wilson said that nothing could persuade him to break relations with Germany, unless he was convinced that "it was the wisest thing to do." Secretary Lansing replied that, if the United States did not break diplomatic relations with Germany over the submarine campaign, as she had threatened, the United States would lose world respect. The discussion continued in this vein for some time and finally the President agreed that Lansing should prepare a draft note to Ambassador Bernstorff breaking diplomatic relations.³⁹

In the meantime, Colonel House had been summoned to the White House. After Ambassador Bernstorff left Secretary Lansing's office on the afternoon of January 31, Frank Polk, the Counselor to the State Department, telephoned Colonel House and asked him to come to Washington, "presumably to stiffen Wilson's backbone." House left New York on the midnight train.⁴⁰ He arrived at the White House on the following morning in time for breakfast, which he ate alone. After breakfast, the President appeared and remained with him until mid-afternoon. House showed Wilson Bernstorff's letter of January 31, which the President deemed "perfectly shallow", in view of the submarine declaration.⁴¹ Lansing arrived at noon with the draft note that broke relations with Germany. He conferred with Colonel House and President Wilson for about an hour on the draft.⁴² Colonel House noted that: "Lansing was so nearly of our mind that there

was little discussion. He read what he had written and we accepted it."⁴³ The Secretary of State wrote in his War Memoirs that they discussed the same issues that he and President Wilson had covered the night before. "The Colonel, as is customary with him, said very little, but what he did say was in support of my views."⁴⁴ Lansing said that he believed that peace and civilization were dependent upon the establishment of democratic institutions, which would be impossible should Prussian militarism control Germany after the war. President Wilson said that he was not certain of this, because it might mean "the disintegration of German power and the destruction of the German nation." Lansing felt that the President was merely attempting to see all sides of the situation. He left the conference "convinced that the President had almost reached a decision to send Bernstorff home."⁴⁵ Although both Colonel House and Secretary Lansing conferred with the President on February 1, House seemed far more certain that the President had decided to break relations with Germany than Lansing was. Ray Stannard Baker, in Woodrow Wilson: Life and Letters, says that the President had not yet made his decision and that "He still hoped for peace without victory." Baker insists that Wilson's letters and conversations of February 1-2 demonstrate that the question remained undecided.⁴⁶

After Secretary Lansing left the White House, President Wilson and Colonel House discussed whether or not Wilson ought to call a special Cabinet session or wait until the scheduled meeting on the following day to confer with Cabinet members over the note to Germany. It was decided that the note would be presented at the regu-

lar meeting on February 2. President Wilson said that he had promised Senator William J. Stone, the Chairman of the Senate Foreign Relations Committee, that he would consult him prior to breaking relations with Germany. Stone was in St. Louis, Missouri, and Wilson had contacted him there, requesting that the Senator return to Washington.⁴⁷

That evening, Secretary Lansing drafted a letter to President Wilson that said that there were two courses of action left to the United States. The United States could sever relations with Germany, declare her "an international outlaw", and warn Americans to stay away from the "seas infested by its piratical craft." Or the United States could break relations with Germany and ask Congress to declare war. Lansing favored the latter course.⁴⁸ President Wilson received the letter at 11:00 a.m. on February 2. Wilson and Secretary Lansing talked by telephone three times that day, discussing "the issuance of passports, the sailing of American ships for the 'danger zone' and the possibility of securing identic action by other neutrals in case of a break with Germany."⁴⁹ The Cabinet met at two-thirty that afternoon and President Wilson began the meeting by stating that the German submarine declaration was an "astounding surprise."⁵⁰ A discussion of German-American relations ensued, and then the President asked whether or not the United States should break diplomatic relations with Germany. The Cabinet members generally agreed that a break was necessary.⁵¹ President Wilson adjourned the meeting without revealing his decision.

Shortly after the Cabinet meeting, President Wilson met with Senator Stone, who had just arrived from St. Louis, and as many other

Senators as could be found. The Senate had just adjourned, and the pages were unable to locate any Republican senators. Wilson told the Senators that he believed that the government had three choices:

(1) an immediate break with Germany, (2) postponement of a break until Germany had committed an overt act against American rights, and (3) a redefinition of American policy, with a final warning that a German offense would lead to rupture in diplomatic relations.⁵²

The President asked each of the Senators what his opinions were. Senator Stone and Senator J. Hamilton Lewis of Illinois said that they preferred to assume that Germany would not sink American vessels without warning. Should such an incident occur, they advised severing relations at once. All of the other Senators who spoke said that it was obvious what Germany intended to do and that the United States ought to break diplomatic relations with Germany immediately.⁵³ The President returned to the White House that evening and began work on an address to Congress announcing the severance of relations with Germany.

Arthur Link, in Wilson: Campaigns for Progressivism and Peace, concluded that only an unrestricted submarine campaign would have caused President Wilson to consider severing relations with Germany.

It seems absolutely certain that he would not have considered breaking relations if the Germans had limited their unrestricted submarine operations to armed ships. It seems almost equally certain that he would not have contemplated rupture and its risk of war if the Germans had limited unwarned attacks to belligerent merchantmen, spared passenger ships, and continued cruiser-type operations against neutral merchantmen. This, admittedly, is a big conclusion based entirely on circumstantial evidence. But one can come to no other in light of all that Wilson had said and done since the autumn of 1916.⁵⁴

The evidence tends to support Professor Link's conclusion. Germany had already declared unrestricted submarine warfare against armed merchantmen on January 10, 1917, and the United States did not sever relations. The decree caused Secretary Lansing to review American policies on armed ships.⁵⁵ Secretary Lansing requested Wilson's views on the subject on January 12, 1917,⁵⁶ and the President did not reply.⁵⁷ Lansing continued to advance his ideas, which supported the right of defensive armament, in letters and conversations with President Wilson. During January 30-31, Lansing wrote a letter and memorandum to President Wilson. The letter advised that the January 10, 1917, German announcement of the unrestricted submarine campaign against armed merchantmen had created a crisis and recommended that the United States take immediate action to prevent the implementation of the campaign. He thought that the United States ought to warn Germany that she would sever diplomatic relations if the submarine campaign were carried out. Lansing argued that failure to act would indicate acceptance of the campaign and make the United States particeps criminis.⁵⁸ The Secretary's January 30, 1917, memorandum on armed ships, which favored the Entente Powers, incorporated the recommendations of the Joint State and Navy Neutrality Board. The Board suggested that the criteria for armed merchantmen be revised so that merchant vessels be allowed to mount four guns, no larger than six inches in caliber, anywhere on the vessels and that the vessels be permitted to carry experienced gun crews who were not members of the regular military forces. Such armed merchant vessels would not be classified as warships.⁵⁹

Lansing's memorandum also contained an elaborate defense of the right of merchantmen to flee or resist capture by a warship.⁶⁰ The memorandum and letter were sent to President Wilson on January 31, 1917. Wilson read them that evening and told Lansing that he doubted the soundness of the memorandum.⁶¹ He had written a letter to Lansing that day, saying that he thought

the British are going beyond the spirit, at any rate, of the principles hitherto settled in regard to this matter and that the method in which their ship captains are instructed to use their guns has in many instances gone beyond what could legitimately be called defense.⁶²

Wilson went on to say that the caliber of guns being mounted on merchantmen was not the most significant issue, which was, rather, whether or not the guns were being used solely for defense. This exchange of views between Secretary Lansing and President Wilson over the armed ship issue leads Arthur Link to conclude:

Wilson did not regard an unrestricted submarine campaign against armed merchantmen as ipso facto a violation of the Sussex pledge, even though, as he had indicated earlier, he recognized that destruction of American lives on armed ships might pose grave danger to German-American relations. Second, he still had no intention of permitting Lansing to lead him to the verge of war.⁶³

Secretary Lansing advocated a "firm and uncompromising position" regarding the submarine campaign against armed merchantmen, and he was writing President Wilson a letter to this effect, when Ambassador Bernstorff presented him with the declaration of unrestricted submarine warfare on January 31, 1917.⁶⁴ President Wilson apparently took no position on the German campaign against armed merchantmen. Considering that the armed ship campaign was announced on January 10,

1917, and that the American government had issued no statement on the subject when the unrestricted submarine campaign was decreed on January 31, 1917, it is possible to conclude that the President did not feel that the armed ship campaign merited drastic action. Undoubtedly Wilson's feelings about the British use of armed merchantmen caused him to have misgivings about the course advocated by Secretary Lansing, and perhaps he deferred judgment on the submarine campaign against armed ships for this reason, as well. The unrestricted submarine campaign was another matter, however, for three days after its announcement, President Wilson went before Congress to proclaim that the United States had severed diplomatic relations with Germany over that submarine campaign.

President Wilson's February 3, 1917, address to Congress tends to substantiate Professor Link's opinion that Wilson would have accepted a limited submarine campaign. In his speech, Wilson said that the United States intended to support American rights; no mention was made of defending neutral rights. President Wilson began his speech by reviewing German-American relations regarding the submarine issue which had culminated in the Sussex pledge, the pledge which had guaranteed that submarines would adhere to cruiser rules of warfare when dealing with merchantmen. The United States had no choice, Wilson said, but to follow the course of action outlined in the April 18, 1916, Sussex note to the German government, which had threatened to sever relations with Germany if she continued submarine attacks without warning against freight and passenger vessels. The January 31, 1917, unrestricted submarine warfare decla-

ration, Wilson continued, had cancelled the Sussex pledge.

I think that you will agree with me that, in view of this declaration, which suddenly and without prior intimation of any kind deliberately withdraws the solemn assurance given in the Imperial Government's note of the 4th of May, 1916, this Government has no alternative consistent with the dignity and honour of the United States but to take the course which, in its note of the 18th of April, 1916, it announced that it would take in the event that the German Government did not declare and effect an abandonment of the methods of submarine warfare which it was then employing and to which it now proposes again to resort.

I have, therefore, directed the Secretary of State to announce to his excellency the German Ambassador that all diplomatic relations between the United States and the German Empire are severed, and that the American Ambassador at Berlin will immediately be withdrawn; and, in accordance with this decision, to hand to his excellency his passports.

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assurances given this Government at one of the most critical moments of tension in the relations of the two Governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships and take the lives of American citizens in the wilful prosecution of the ruthless naval programme they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now.

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose would unhappily prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less. I take it for granted that all neutral governments will take the same course.⁶⁵

Although Secretary Lansing left the State Department Friday evening, February 2, confident that "the President would act vigor-

ously," he was not informed of Wilson's decision until 10:30 the following morning, when the President asked him to come to his study in the White House.⁶⁶ Lansing then prepared the papers, which were given to Ambassador Bernstorff, announcing the severance of relations. The papers were handed to the Ambassador as President Wilson began to deliver his speech to Congress at two o'clock that afternoon.⁶⁷ Bernstorff received his passports, along with the note severing diplomatic relations with Germany, philosophically, and he immediately issued this statement to the press:

I am not surprised. My government will not be surprised either. The people in Berlin knew what was bound to happen if they took the action they have taken. There was nothing else left for the United States to do.⁶⁸

Lansing wrote in his War Memoirs that the German government did not take Bernstorff's warnings of the disaster of a war with the United States seriously, because it underestimated American resourcefulness. He concluded that Bernstorff "saw the calamity that it would be for the Central Empires and strove assiduously to keep his government from making the mistake which it did make."⁶⁹

During the period from February 3 until late March, when President Wilson made the decision to go to war with Germany, he implemented a number of other policies designed to avoid war and to persuade Germany to abandon the submarine campaign. Wilson only made the decision to go to war after all other possibilities were exhausted and it became apparent that he had no other choice. Wilson attempted to pressure Germany into rescinding the February declaration by encouraging Austria-Hungary to conclude a separate peace

with the Entente Powers. Also, Wilson tried to persuade other neutrals to sever relations with Germany. When both these policies failed, the President decided to arm merchant vessels in order to protect vessels from submarines.

Austria-Hungary issued a declaration of unrestricted submarine warfare, similar to the German declaration, on January 31, 1917.⁷⁰ A few days later, Count Ottokar Czernin, the Minister of Foreign Affairs, told Ambassador Frederick Penfield that he hoped that the United States and Austria would be able to maintain good relations.⁷¹ The United States decided not to break relations with Austria-Hungary over the submarine declaration, but decided to withhold the publication of the declaration in America and to attempt to separate Austria-Hungary from her alliance to Germany.⁷² If Austria-Hungary could be persuaded to make a separate peace, President Wilson hoped that Germany would be forced to sue for peace as set forth in his January 22, 1917, "peace without victory" speech to the Congress.⁷³ The State Department had received numerous reports of food shortages, bad financial and political conditions, general war weariness and a desire for peace on the part of the Austro-Hungarian people.⁷⁴ Both Lansing and Wilson hoped that these conditions would cause Austria to abandon unrestricted submarine warfare and to leave the war.⁷⁵ One of the main obstacles to this plan was the fact that the Entente Powers' peace terms had stated that they were not willing to allow the Austro-Hungarian Empire to remain intact after the war, and President Wilson instructed the American Ambassador to Britain, Walter Hines Page, to discuss the matter with members of the British

government in order that certain assurances might be offered the Austrian government. Wilson advocated that the "older units" of the Empire be maintained.⁷⁶

The British Prime Minister Lloyd George told Ambassador Page in an interview on February 11, 1917, that it would be more advantageous for Britain if Austria remained in the war, because she constituted a drain on German resources.⁷⁷ Later in the month, however, British policy changed, and Lloyd George informed Page that Britain would be willing to conclude a separate peace with Austria-Hungary, saying that Britain would be willing to allow Austria to retain Hungary and Bohemia.⁷⁸ On February 22, 1917, Secretary Lansing instructed Ambassador Frederick Penfield to submit the peace offer with these territorial guarantees to Austria.⁷⁹ Penfield informed Count Czernin of the offer on February 26, and he refused to consider it. Czernin said that Austria "could only enter negotiations with her allies; that she must receive the guarantee that the Monarchy will remain intact."⁸⁰ The Wilson Administration continued negotiations for a separate peace with Austria into March, 1917, but no results were obtained.⁸¹

President Wilson also sought to put pressure on Germany by inviting other neutral nations to sever relations with Germany because of the unrestricted submarine campaign.⁸² Secretary Lansing opposed this measure, because he thought it was destined to fail, and because its failure would be an embarrassment to the United States.⁸³ Cuba and Panama, which were protectorates of the United States, were persuaded to break relations with Germany.⁸⁴ China

was the only other neutral to sever relations with Germany.⁸⁵

Although the United States had severed relations with Germany, President Wilson was determined to avoid declaring war. In his February 3 speech before Congress, Wilson said that he refused to believe that the Germans would execute the unrestricted submarine campaign and that only "overt acts" could cause him to believe it.

Should those acts occur, he promised to return to Congress and ask for the authority to "use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas." It was apparent from dispatches received in the State Department that the submarine campaign was in progress, but only two American vessels, the Housatonic and the Lyman M. Law, had been sunk in the war zones.

These vessels had been issued warning, and no one had died as a result of the incidents.⁸⁶ Submarines were attacking belligerent and neutral merchant vessels, and at least one neutral merchantman had been destroyed without warning.⁸⁷

Thus, no overt acts had been committed against American rights by late February. The reason for this was that Germany had instructed submarines to follow cruiser rules when dealing with neutral merchantmen in the grace period of February 1-28, 1917.⁸⁸

Unrestricted submarine warfare would begin after this period had elapsed. The February 1, 1917, decree had caused all American shipping companies to cancel all sailings to European ports affected by the decree.⁸⁹ Hence the war zone declaration had proved an effective deterrent to trade, as had been predicted by the German Admiralty.

In the meantime, Count Bernstorff⁹⁰ initiated one final effort to bring about peace negotiations. After the United States severed relations with Germany, Bernstorff entrusted the transmission of German dispatches to the Swiss Minister at Washington, Dr. Paul Ritter, and, therefore, Bernstorff issued this peace initiative through Dr. Ritter. Bernstorff telephoned Dr. Ritter on February 5, 1917, and told him that Dr. George Kirchwey, the former dean of the Columbia University Law School and President of the American Peace Society, would bring him a message that Bernstorff desired to transmit to Berlin. Dr. Kirchwey brought Ritter the message, which was a news dispatch written by the editor and Washington correspondent of the Kölnische Zeitung, Georg Barthelme. Kirchwey later revealed that he had persuaded Barthelme to write the dispatch and that the peace proposal was his idea. Kirchwey then approached Bernstorff, who in turn contacted Dr. Ritter.⁹¹ The dispatch was to double as a message from Barthelme to the Kölnische Zeitung in Berlin and a communication from Bernstorff to the German government.⁹² Ritter agreed to send the message to Berlin, and it arrived there on February 8, 1917.⁹³ Barthelme's message sought to reassure Germany that, although President Wilson had severed relations, he did not intend to declare war unless Germany committed "overt acts" against American rights. The dispatch urged that American ships not carrying contraband be spared and suggested that a conference of the major powers be convened.⁹⁴

The dispatch arrived in Berlin during a period when Secretary of Foreign Affairs Arthur Zimmermann was apparently in charge of

operations at the Foreign Office. Secretary Zimmermann was not particularly interested in improving German-American relations. He was perturbed by the Austrian-American negotiations for a separate peace offer and was, therefore, not well disposed towards the United States at that time. Consequently, he did not suggest that German policies be changed. Zimmermann discussed the dispatch with Admiral Holtzendorff, who agreed to German-American negotiations, provided that the submarine campaign would not be curtailed. The Kaiser also agreed to negotiations, provided that diplomatic relations were restored prior to negotiations.⁹⁵ The February 8, 1917, entry in Admiral Müller's diary implies that Germany assumed that this was an American initiative. "This evening...news from Switzerland that America wishes to negotiate on the blockade."⁹⁶ Secretary Zimmermann sent the German reply to Switzerland, where it was sent to Dr. Ritter in Washington.⁹⁷ The reply read in part as follows:

The Swiss Government has been requested to inform its Minister at Washington that Germany remained as before disposed to negotiate with the United States on condition that the commercial blockade against its enemies—not only against England—were not jeopardized by these negotiations. It is, generally speaking, scarcely necessary to say that Germany could not enter into negotiations of this character before diplomatic relations had been reestablished between Germany and the United States. Moreover the object of these pour-parlers must be limited exclusively to certain concessions regarding the transportation of American passengers in order that the stoppage of importations from abroad, established against our enemies by means of unrestricted submarine warfare, be not weakened in any way whatsoever, even if diplomatic relations would be reestablished.⁹⁸

Dr. Ritter took the German note to the State Department on February 10, presenting it to Counselor Frank Polk as a German proposal.⁹⁹

Dr. Ritter read Polk only those portions of the note pertaining to Germany's willingness to negotiate with the United States. Polk later obtained from Ritter assurances that he was representing the German government in this instance, and Ritter gave the Counselor a memorandum on the subject.¹⁰⁰

Secretary Lansing was very skeptical about the offer and surmised that the scheme had originated in Washington, under the auspices of Count Bernstorff. He recommended that the United States reject the offer. Lansing felt that the United States should not negotiate with Germany unless the submarine declaration was rescinded.¹⁰¹ Wilson agreed with the Secretary of State and instructed him to inform Dr. Ritter that the United States could not enter into negotiations with Germany regarding submarine warfare unless she withdrew the February 1 submarine declaration and reinstated the Sussex pledge.¹⁰²

These events seem to illustrate that Count Bernstorff was willing to explore any available avenue which could be used to prevent war between Germany and the United States.¹⁰³ In addition, the German government was willing to negotiate provisions for safe passage of Americans through the war zones, although it was not willing to rescind the February 1 submarine declaration. The United States, however, would not modify her position that Germany must abandon the submarine campaign.

Despite these fundamental differences, President Wilson continued to pursue a policy of avoiding war. At this time, while the United States was engaged in negotiations with Austria for a sepa-

rate peace and was attempting to persuade other neutrals to sever relations with Germany, the United States also had to deal with the fact that the war zone declaration had curtailed American commerce. American shipping companies were not sending their vessels to European ports, because of the German submarine campaign. This problem became the subject of heated debates in Cabinet meetings, and the difference of opinion between President Wilson and his chief advisors over the issue of protecting American merchantmen became so critical that David F. Houston, the Secretary of Agriculture, considered resigning.¹⁰⁴ The fact that American vessels were not sailing was first discussed at the February 6, 1917, Cabinet meeting. The topic of discussion was whether or not merchant vessels should be permitted to convoy or arm. President Wilson said that convoying was hazardous, but merchantmen were allowed to carry arms; however, the government could not furnish merchant vessels with arms without authorization from Congress. Wilson continued, saying that he was "'passionately' determined not to over-step the slightest punctilio of honor in dealing with Germany, or interned Germans, or the property of Germans."¹⁰⁵ The same problems were discussed at the Cabinet meetings on February 9, 13, and 16, with several members urging that the navy convoy merchant vessels. The navy opposed this measure, because it would not only jeopardize merchantmen but naval vessels, as well, in view of the fact that most merchantmen carried some items listed as contraband.¹⁰⁶ Merchant vessels still refused to leave American ports without some guarantee of protection, and they had requested that the government furnish guns and gun crews.¹⁰⁷

At the February 13 meeting, many Cabinet members vigorously urged the President to initiate action on this problem by either furnishing convoys or by providing vessels with guns and trained gun crews. But Wilson still hesitated, because he wanted to avoid the possibility of war.

The President said that he could not act as suggested, using a government instrumentality, without going to Congress. Action might precipitate war, and he did not wish to force the hand of Congress. It was its province to determine the matter of peace and war.¹⁰⁸

Arthur Link speculates that President Wilson had probably decided to go before Congress and request the authority to arm merchantmen by February 16, 1917. Wilson probably felt, Link continues, that armed neutrality was a viable alternative to belligerency, and the President was possibly aided in making this conclusion by reading a memorandum on armed neutrality written by Professor Carlton J. H. Hayes.¹⁰⁹ President Wilson discussed the problems of an armed neutrality with Secretary Lansing on February 16, after the Cabinet meeting.¹¹⁰ On the following day, he met with a number of Democratic senators to discuss the issue. An article carried in the New York Times, on February 18, 1917, said that the President was considering to ask Congress for the authority to arm merchantmen, and it predicted that he would probably do so within a week.¹¹¹

President Wilson apparently did not share whatever decisions he had made with his Cabinet,¹¹² for the meetings of February 20 and 23 were devoted to a fruitless discussion of the problems. Interior Secretary Franklin K. Lane noted that approximately half

of the vessels, which normally sailed to European ports from February 1-20, had sailed on their scheduled voyages.¹¹³ Secretary Lane recorded that the February 23 Cabinet meeting was undoubtedly one of the most "animated" to have ever taken place. The meeting became spirited when Lane asked if the wives of American consuls had been mistreated upon leaving Germany. Secretary Lansing said that they were. The question as to whether merchantmen ought to be armed or convoyed was subsequently discussed. And Naval Secretary Josephus Daniels said that it was too dangerous to convoy merchantmen.

The President said that the country was not willing that we should take any risks of war. I Lane said that I got no such sentiment out of the country, but if the country knew that our Consul's wives had been treated so outrageously that there would be no question as to the sentiment. This, the President took as a suggestion that we should work up a propaganda of hatred against Germany. Of course, I said I had no such idea, but that I felt that in a Democracy the people were entitled to know the facts. McAdoo, Houston and Redfield joined me. The President turned on them bitterly, especially on McAdoo, and reproached all of us with appealing to the spirit of the Code Duello. We couldn't get the idea out of his head that we were bent on pushing the country into war. Houston talked of resigning after the meeting.¹¹⁴

President Wilson was obviously very determined to avoid war, and he rejected the advice of his closest advisors, in this instance and others, in order to deal as fairly as possible with Germany. Although Wilson did not indicate to his Cabinet what his decision would be on the question of armed merchantmen, the Secretary of Agriculture, David F. Houston, felt that the President had agreed with the Cabinet members that the government should take measures to protect merchantmen. Houston thought that Wilson "appeared to take an attitude of resistance to make us prove the case" and that "he held the

same views that we did."¹¹⁵

Ray Stannard Baker says that two documents seem to have influenced Wilson's decision to go before Congress and ask for the power to arm merchantmen. These documents were Professor Carlton J. H. Hayes' article on armed neutrality and Secretary Lansing's February 20, 1917, memorandum on the arming of merchant vessels.¹¹⁶

Hayes' article cited the armed neutralities of 1780 and 1800 as precedents for an armed neutrality of 1917. He proposed that other neutrals join the United States to form a league of armed neutrals; he felt that this kind of neutral alliance would be able to influence the shape of the post war world in a more positive way. Hayes thought that American belligerency would be disadvantageous for "future world organization and world peace."¹¹⁷ Secretary Lansing's February 20, 1917, memorandum said that merchant vessels had the right to carry arms and defend themselves, but it noted that the question as to whether the government ought to furnish guns and gun crews raised many difficult legal problems which ought to be considered before a final decision would be made. Lansing thought that a neutral government should defend its merchantmen on the high seas, and he thought that it had the "abstract right" to do so. The most practical means of defense would be to supply the vessels with guns and trained gun crews. However, such a solution might not be expedient, Lansing reasoned, for it "would certainly entail a certain measure of danger of creating a state of war between the neutral and the belligerent."¹¹⁸

On February 26, 1917, Wilson went before Congress to ask for the authority to provide merchantmen with arms. President Wilson

felt certain that he had the power to arm merchant vessels, and said so in his speech to Congress. But he wanted Congress to assent to this policy. He said that these measures were necessary in order to preserve the freedom of men to carry on the daily functions of life and, ultimately, to preserve freedom itself.

My theme is of those great principles of compassion and of protection which mankind has sought to throw about human lives, of non-combatants, the lives of men who are peacefully at work keeping the industrial processes of the world quick and vital, the lives of women and children and of those who supply the labor which ministers to their sustenance. We are speaking of no selfish material rights, but of rights which our hearts support and whose foundation is that righteous passion for justice upon which all law, all structures alike of family, of State, and of mankind must rest, as upon the ultimate base of our existence and our liberty.¹¹⁹

On February 26, 1917, the Chairman of the House Foreign Relations Committee, Harry Flood of Virginia, introduced a bill in the House of Representatives which authorized the President to arm merchantmen.¹²⁰ The New York Times carried a report of the President's speech to Congress and the introduction of the armed ship bill, in addition to the news that the armed British passenger liner Laconia was torpedoed without warning in the war zone by a German submarine. Two American citizens, Mrs. Mary E. Hoy and her daughter Elizabeth, died in the disaster.¹²¹ On February 28, the New York Times reported that Secretary Lansing and President Wilson considered the Laconia case an overt act. "After a conference had taken place early this morning between President Wilson and Secretary Lansing, it was acknowledged in authoritative quarters that the sinking of the Laconia presented a clear-cut case of violation of international law and

constituted an overt act."¹²² The article went on to say that the government did not need additional facts and that no inquiry was required to establish the facts of the case.¹²³ Although at least one other submarine incident had occurred prior to the Laconia's destruction, and had resulted in a much higher loss of life,¹²⁴ the timing of the Laconia incident in part determined its importance. The Administration had decided what American policy would be regarding submarine warfare by the time the Laconia was destroyed. President Wilson had decided to arm merchant vessels prior to the Laconia incident, and he had also decided to await an overt act. Mrs. Hoy and her daughter were the first Americans to die as a result of the unrestricted submarine campaign, and the fact that they were prominent women undoubtedly contributed to public indignation over the incident. Mrs. Hoy had been the wife of a well-known physician, and she also had been an acquaintance of Mrs. Wilson.

On the same day, February 28, President Wilson decided to publish the Zimmermann telegram.¹²⁵ Wilson was very indignant over the telegram and thought that it ought to be published immediately. Lansing advised the President that publication of the telegram should be delayed in order to avoid charges that the Administration was attempting to influence opinion on the armed ship bill and to ascertain its authenticity. Wilson agreed.¹²⁶ The telegram, which was sent by the German Foreign Secretary, Arthur Zimmermann, to the German Minister in Mexico, Heinrich von Eckhardt, announced that unrestricted submarine warfare would begin on February 1, 1917. Furthermore, it said that the German government still wanted to keep the United States

neutral. If this was not possible, Germany proposed to make an alliance with Mexico along the following lines:

make war together, make peace together, generous financial support and an understanding on our part that Mexico is to reconquer the lost territory in Texas, New Mexico, and Arizona.¹²⁷

The telegram also stipulated that Mexico should approach Japan in order to form an alliance with her, as well, when war between the United States and Mexico was certain.¹²⁸ President Wilson advised Lansing to show Senator Gilbert Hitchcock, who was in charge of the armed ship bill in the Senate, the Zimmermann telegram. Lansing suggested that the telegram be made public indirectly and then its authenticity be affirmed when inquiries about it were made. He felt that releasing the telegram in this manner would prevent any charges that the Administration was misusing the document and, moreover, that it would attract more attention. Wilson approved the plan. Secretary Lansing requested Senator Hitchcock to meet with him at the State Department. Lansing read Senator Hitchcock the telegram. Whereupon Hitchcock appeared shocked and asked if it was genuine. Lansing replied that it was. Hitchcock said that it would cause a "tremendous sensation" when published. And Secretary Lansing told Hitchcock that he could inform Senator Stone of the telegram and its contents. Secretary Lansing then summoned Associated Press correspondent E. M. Hood to his house that evening and gave him a paraphrase of the telegram with the promise that Hood would not reveal who gave it to him. Hood agreed not to release the telegram until 10:00 p.m. that evening so that Lansing would not be disturbed with inquiries until morning.¹²⁹

The telegram appeared in the newspapers on March 1, 1917. It had been received too late for editorial comment and thus commentary was deferred until later.¹³⁰ On March 2, 1917, the New York Times said that the Zimmermann telegram caused many representatives to support the armed ship bill, which passed on March 1, and predicted that the Senate would pass a similar bill.¹³¹ A number of senators wanted proof of the Zimmermann telegram's authenticity and Secretary Lansing issued a report to the Senate which stated that it was genuine. All doubt vanished when Foreign Secretary Zimmermann admitted having written the telegram and defended it.¹³² The telegram served to harden American attitudes, and Secretary Lansing noted in his War Memoirs that it unified public sentiment against Germany.

Thus the Zimmermann telegram resulted in unifying public sentiment throughout the United States against Germany, in putting people solidly behind the government and in making war inevitable, if not popular, because the German Government's sinister intent toward the United States could no longer be doubted. The "cold-blooded proposition" of Germany's Secretary of Foreign Affairs in one day accomplished a change in sentiment and public opinion which would otherwise have required months to accomplish. From the time that the telegram was published, or at least from the time that its authenticity was admitted by its author, the United States' entry into the war was assured, since it could no longer be doubted that it was desired by the American people from Maine to California and from Michigan to Texas.¹³³

The Zimmermann telegram and the Laconia incident caused many newspapers throughout the United States to call for war for the first time.¹³⁴

In his speech before Congress on February 26, 1917, Wilson noted that recent statements of German leaders and of German newspapers had indicated an unwillingness to alter policy regarding submarine warfare.¹³⁵ Certainly speeches and statements made by German leaders during Febru-

ary-March, 1917, indicated that Germany was no longer willing to compromise her position to prevent the United States from entering the war. Chancellor Bethmann Hollweg charged, in a speech before the Reichstag on February 27, 1917, that the United States had "voluntarily submitted" to English violations of international law.

What would have happened if the Americans had valued unhampered passenger and goods traffic with Bremen and Hamburg as much as that with Liverpool and London? If they had done so we should then have been freed from the painful impression that, according to American ideas, submission to English power and control is compatible with this neutrality, but a recognition of German measures of defense is irreconcilable with this neutrality.

Gentlemen, let us consider the whole question. The breaking off of relations with the United States and the attempted mobilization of all neutrals against us do not serve to protect the freedom of the seas proclaimed by the United States; they must rather have the result of encouraging the attempt to starve Germany and of increasing bloodshed.¹³⁶

Thus the Chancellor accused the United States of being unneutral and of aiding the British in order to harm Germany. Wilson's reasons for severing relations with Germany were seen as detrimental to Germany and calculated to help Britain, rather than to further neutral goals, such as freedom of the seas and world peace. Statements issued by Foreign Secretary Arthur Zimmermann defending the Zimmermann telegram and asserting that the unrestricted submarine declaration meant just that, was further proof that Germany no longer cared about preventing war with the United States.¹³⁷ A semi-official German newspaper, Lokal Anzeiger of Berlin, said that: "As to neutrals—we can no longer be bothered by their opinion. We have only one duty now—to win."¹³⁸ These statements seemed to indicate to the Wilson Administration the attitude of the German government and the nation.

The Laconia incident and the Zimmermann telegram were additional proof to the President that Germany was no longer interested in ending the war through a negotiated settlement; the Chancellor and the Foreign Secretary had stated that Germany could only end the war by accelerating it through the use of the unrestricted submarine campaign.¹³⁹

Wilson decided in February that the most viable option for the United States, under the circumstances, was armed neutrality. Wilson and Lansing had been following a policy of using the Laconia incident and the Zimmermann telegram to bring pressure on Congress to adopt the armed ship bill.¹⁴⁰ Although the majority of Congress was in favor of the bill, it did not pass in the Senate. The House of Representatives passed the armed ship bill, on March 1, 1917, by a vote of 403 to 14. The Senate would have also passed the bill, by a sizable majority (approximately 75 to 120), had not twelve pacifist senators staged a filibuster that prevented a final vote before the end of the session. Thus the bill died in the Senate on March 4, 1917.¹⁴¹ This caused the usually temperate Wilson to lose composure and publicly state that "a little group of wilful men had rendered the great Government of the United States helpless and contemptible." Secretary Lansing observed that President Wilson had overstated the case in this instance, for he had "wisely guarded against making his future conduct dependent upon Congressional action." And, furthermore, Wilson had said that he undoubtedly possessed the power to arm merchant vessels. Within a week after Congress had adjourned, President Wilson had decided that he was going to exercise these powers and would instruct the navy to furnish guns

and gun crews to American merchantmen sailing for the war zone.¹⁴²

To implement this decision, Wilson began to confer with Naval Secretary Josephus Daniels on March 6 concerning armed merchantmen.¹⁴³

Secretary Lansing continued to advance arguments in favor of arming merchant vessels.¹⁴⁴ On March 8, Lansing advised that merchantmen be furnished with guns and gun crews as soon as possible, and that this policy be published immediately. He felt that the American people would support vigorous action and that there was nothing to be gained by delay.¹⁴⁵

Secretary Daniels was summoned to the White House, on the evening of March 8, where President Wilson informed him that he had decided to arm merchantmen. Secretary Daniels had sent tentative regulations for armed ships, regulations which had been prepared by the Navy Department, to the White House that afternoon. Daniels and Wilson discussed the proposed regulations, and the President suggested several changes.¹⁴⁶ On the following day, Secretary Daniels submitted the following revised, alternative proposals for arming of merchantmen:

Policy No. 1.

Replies to the German threat to sink neutral vessels in designated zones on the high seas by assuming all German submarines on the high seas are attacking United States vessels and that merchant vessels of the United States consequently may fire upon German submarines wherever they are met on the high seas.

Policy No. 2.

Replies to the German threat to sink neutral vessels in designated zones of the high seas by assuming that all German submarines within those zones are attacking U. S. vessels and that consequently merchant vessels of the United States may fire upon German submarines wherever they are met within those zones, but that merchant vessels must grant to German submarines the right of visit and search in all other areas of the high seas.

Policy No. 3.

Replies to the German threat to sink neutral vessels in des-

ignated zones of the high seas by continuing to recognize the rights of German submarines to visit and search American merchant vessels, but authorizes those vessels to resist by force certain named unlawful acts of submarines.¹⁴⁷

Secretary Daniels noted that policy no. 1 would deny Germany the right of visit and search and that this would constitute a departure from international law. Daniels observed that it might be necessary to deny Germany this right, if merchantmen carried contraband in addition to arms and gun crews. He felt that these issues ought to be considered before deciding to adopt policy no. 1. If this policy were utilized, Daniels suggested that it be justified in light of the German submarine declaration.

Daniels had conferred with the Chief of Naval Operations, Admiral William S. Benson, and one of Benson's suggestions was listed in the letter to President Wilson. Admiral Benson advised that Germany should be notified of the American intention to arm merchantmen. He thought that Germany then might not carry out her unrestricted submarine campaign. Secretary Daniels thought that, if the United States denied Germany the right of visit and search, Germany might regard this as "a warlike act" and assert that the United States was "responsible for bringing on war."¹⁴⁸

Apparently Admiral Benson thought that Germany might rescind her submarine warfare declaration if confronted with an American armed ship decree. Secretary Daniels felt that an unprecedented denial of the right of visit and search by the United States might be construed by Germany as a hostile act and, therefore, might cause her to declare war on the United States.

President Wilson had been confined with a cold since March 7, and so Mrs. Wilson forwarded Secretary Daniels' letter to Secretary Lansing with a note stating that the President wished Lansing to read Daniels' letter as soon as possible "and advise him which program you deem wise to follow." The President, Mrs. Wilson continued, wanted to issue orders regarding armed merchantmen that day.¹⁴⁹

Lansing complied. He reminded President Wilson that he had advocated placing armed guards on American merchantmen in his letters of March 6 and 8. Lansing said that he thought policy no. 2 was the "best from a legal standpoint," although it did not cover cases of illegal attack outside the war zone. He observed that it would be very hazardous if passengers and crew were forced to evacuate ship on the high seas outside the war zones. The Secretary thought that this was as dangerous to passengers as being attacked without warning in the war zones. He advised that policy no. 2 be adopted, with the stipulation added that the armed guard would resist illegal attacks outside the war zone. Secretary Lansing said that he would not consider implementing policy no. 3 under any circumstances. He agreed with Secretary Daniels that the decision to arm merchantmen ought to be published, but advised that specific instructions remain secret.¹⁵⁰ The announcement of the decision to arm American merchantmen was published March 12, 1917.¹⁵¹

One of the important effects of severing relations with Germany and implementing armed neutrality was the lessening of the tension between the United States and the Entente Powers. "The change was subtle and gradual, but it was actually a rather massive détente

that led the American government to put into practice nothing less than a benevolent neutrality toward the Allies."¹⁵² In response to Britain's policies concerning blacklists, coal bunkering agreements and the blockade, the American State Department failed to press American claims. Whereas the State Department had vigorously protested these violations of American neutral rights a few months before, the bulk of the correspondence regarding British policies during February-April, 1917, was confined to British and French interference with neutral mail.¹⁵³ The object of these protests was to persuade the French to follow the same practices as the British and of deferring legal claims to a later date.¹⁵⁴ The United States did not condemn¹⁵⁵ the February 21, 1917, British Order in Council, which stipulated that all neutral vessels which have access to enemy territory and are en route to or from neutral ports must go through British ports, or those of her allies, for examination of their cargoes. Unless these neutral merchantmen complied, they would be liable to capture and condemnation on the assumption that their cargoes were of enemy origin or destination.¹⁵⁶ After the Wilson Administration's decision, armed merchantmen belonging to the Entente Powers began to enter American ports without restriction. Two French armed merchantmen, the *Guyane* and the *Rochambeau*, which entered New York harbor in February and March were the first such vessels belonging to the Entente Powers to enter American ports since the summer of 1914. Whereas the United States had requested that British armed merchantmen, which docked at American ports, remove their guns in 1914, the French vessels which entered New York harbor in 1917 were allowed to leave their guns in place. The *Guyane* had arrived

in New York on February 21, 1917, after having attacked and destroyed a German submarine. The French Ambassador, Jules Jusserand issued instructions to the captain of the Guyane, at the insistence of the British Admiralty, not to give any details of the encounter with the submarine to American officials. He was instructed to say that the submarine had been destroyed in defensive action. Jusserand told Frank Polk, Counselor to the State Department, about the instructions "explaining that reasons of security prevented disclosure of details. Polk replied that he thought that the Ambassador's action was perfectly legitimate."¹⁵⁷

At this time, the Austrian Foreign Minister, Count Czernin, attempted to secure a temporary curtailment of the submarine campaign in order to forestall a war between the United States and Germany. These events demonstrate the differences between Germany and Austria, for Austria still desired to bring about a peace settlement, while Germany was not willing to alter her submarine policies or to encourage peace initiatives. Though Count Czernin had rejected the offer of a separate peace with the Entente Powers,¹⁵⁸ he still wanted to maintain relations with the United States and to continue negotiations in the hope that it would bring about a general peace settlement.¹⁵⁹ Count Czernin did not inform German leaders of Wilson's overtures regarding a separate peace, but issued a suggestion of his own in order to avoid a war between the United States and Germany. Count Czernin told the German Ambassador to Austria, Count Botho von Wedel, that he felt that Wilson sincerely wanted to avoid war with Germany, and he suggested that this could be accomplished if Ameri-

can vessels, even armed vessels, en route to England were spared.¹⁶⁰
 In his conversations with Count Wedel, Count Czernin maintained that Ambassador Penfield had put forth this suggestion:

On the 13th instant, the American Ambassador in Vienna expressed the wish to Count Czernin, quite spontaneously, that the next American ships which were en route for England might be 'overlooked' and not torpedoed. That this would satisfy President Wilson in the light of the public opinion of the United States; that thereafter it was certain that no more ships would proceed; that, as things stood, the United States must determine whether it was to be war or peace; that in case of the former America would not henceforth be able to export appreciable amounts of ammunition; and in case of the latter—which President Wilson hoped for—complications would be avoided.¹⁶¹

Count Czernin added that he believed that Penfield was following instructions.¹⁶² Penfield had not received instructions which would have authorized him to make this proposal.¹⁶³ Apparently Count Czernin had thought it best to convey the suggestion in this manner, since it is not probable that Ambassador Penfield would exceed his authority.¹⁶⁴ Czernin felt that time was of the essence, and he was hoping to postpone a possible American declaration of war on the possibility that the war would be over in a few weeks.¹⁶⁵

The proposal was submitted to German leaders as an American proposal. The Foreign Office sent the suggestion to Admiralty Staff Chief Admiral Holtzendorff.¹⁶⁶ Admiral Holtzendorff rejected the idea and outlined his objections in a letter to the Kaiser who accepted them. Holtzendorff said that the navy could "not accede to this spontaneous wish," because it would be impossible to send instructions to submarines in the war zone in time to spare those vessels en route to England. It would take six weeks to issue new or-

ders to these submarines, Holtzendorff continued, and this would mean a disruption of the campaign. Then he launched into an attack on the United States.

But I consider it my duty to point out the flippant and rascally game which is being played with the destinies of great States and peoples, which is revealed by President Wilson's course of action. He wants the question of war and peace to depend upon our winking at the passing through of a few American steamers which were sent into the war zone; in other words, that we are to avoid the danger which he is obviously, and in the sight of all the world conspiring to bring about. In fact, the danger of war lies in the utter lack of conscience of a national government which operates with farcical means, and according to my judgment and feeling, we should most positively avoid even the mere semblance of allowing German politics or warfare to be ridden by the American desire, which would lead our national policy into a U-boat trap, or have America retreat from her stand by means of Germany's humiliation.¹⁶⁷

The Kaiser accepted Holtzendorff's recommendations and forwarded them to the Foreign Office with this marginal note: "Now once and for all, an end to negotiations with America. If Wilson wants war, let him make it, and let him have it."¹⁶⁸

Subsequent events demonstrated to the United States that German submarines had no qualms about sinking neutral vessels. New incidents involving American vessels caused the Wilson Administration to re-examine the policy of armed neutrality which had not been fully implemented. On March 18, 1917, it was first learned that three American vessels, the City of Memphis, the Vigilancia and the Illinois had been attacked and destroyed by submarines. Only the City of Memphis had received warning and had been allowed to evacuate ship.¹⁶⁹ The Vigilancia had been torpedoed without warning and as a result fifteen persons died.¹⁷⁰ The Illinois was attacked

without warning by gun fire; one man was wounded.¹⁷¹ All of the vessels were unarmed.¹⁷² The fifteen people who died as a result of the Vigilancia incident were the first people to die on an American vessel as a result of a submarine attack since the Gulflight incident of May 1, 1915.¹⁷³

Secretary Lansing notes, in his War Memoirs, that: "These attacks required the government to review the new situation thus presented and to decide whether or not the time had arrived to abandon armed neutrality and to recognize that a state of war existed between the United States and Germany."¹⁷⁴ President Wilson called Secretary Lansing to the White House on March 19 to discuss the recent submarine incidents. Wilson said that he felt that everything possible was being done to protect American vessels. Three heavily armed American Line steamships had sailed for Europe. Lansing said that war was inevitable and that he "had felt so for months." He went on to advise that the sooner the United States declared war the better her position would be before the American people and before the world. Lansing left the White House not knowing what the President would decide.¹⁷⁵ He returned to the State Department and wrote a report of his conference with the President, which he sent to Colonel House.¹⁷⁶ The Secretary of State told House that Wilson would not call Congress because of the destruction of the three American merchantmen and that the President felt that he was doing all that he could do. Lansing said that he had advised Wilson to call Congress and declare war.

I suggested that he might call them to consider declaring war, and urged the present was the psychological moment in view of the Russian revolution and the anti-Prussian spirit in Germany, and that to throw our moral influence in the scale at this time would aid the Russian liberals and might even cause revolution in Germany.¹⁷⁷

Wilson had responded by saying that he feared the opposition of pacifists and others in Congress. Lansing concluded his letter to Colonel House by asking his assistance: "If you agree with me that we should act now, will you not please put your shoulder to the wheel?"¹⁷⁸

Colonel House accepted Lansing's suggestion and wrote President Wilson a strong letter urging action.¹⁷⁹ Secretary Lansing also wrote Wilson a letter on March 19, outlining five reasons for a declaration of war. Lansing maintained that war was inevitable and that the belligerents represented different forms of government which were diametrically opposed. He remarked "that the Entente Allies represent the principle of Democracy, and the Central Powers, the principle of Autocracy, and that it is for the welfare of mankind and for the establishment of peace in the world that Democracy should succeed." Thus Lansing's arguments in favor of war were phrased in terms of the post war world. He felt that an Entente victory was in the best interests of the United States and the world, because the Entente nations were democracies. Russia, the third member of the Entente, had been an autocracy ruled by the Czar, but the recent revolution had changed that, because the new Russian government was democratic. Now the war represented a struggle between democracies and autocracies, with the Entente Powers and the Central Powers vying for world power and leadership. The five reasons Lansing gave for a declaration of

war were: that it would strengthen the new democratic government in Russia; that it would strengthen democratic elements in Germany to challenge the ruling class; that it would strengthen the position of the Entente Powers, thus furthering the interests of democracy and shortening the war; that the American people sensed that war was inevitable and would be critical of the Administration for failing to act; and that it would mean that the United States would be in a position to help determine the shape of the post war world.

In the fifth place I believe that our future influence in world affairs, in which we can no longer refuse to play our part, will be materially increased by prompt, vigorous and definite action in favor of Democracy and against Absolutism. This would be first shown in the peace negotiations and in the general readjustment of international relations. It is my belief that the longer we delay in declaring against the military absolutism which menaces the rule of liberty and justice in the world, so much the less will be our influence in the days when Germany will need a merciful and unselfish foe.¹⁸⁰

Considerations for the character of the post war world were important factors in the thinking of both Lansing and Wilson. Lansing, much earlier than President Wilson, had formulated his own philosophy about the kind of world the United States ought to help create and the role she ought to take in the war. But the two men shared many basic values, and they often reached the same conclusions on many issues. Both men felt that the Central Powers were waging a very aggressive war which would, if successful, drastically change world order.¹⁸¹ By early 1917, the Central Powers occupied Belgium, Serbia, Rumania, Poland, Montenegro, and part of Albania, and their forces had invaded France, Russia, and Italy. Although the war aims of both the Entente Powers and the Central Powers were

too severe to suit President Wilson,¹⁸² the actions of the Central Powers were clearly expansionist, whereas the Entente Powers insisted that those nations dominated by the Central Powers be liberated.¹⁸³

President Wilson was very concerned about the effect of a declaration of war both for the United States and the world. He strove to avoid war as long as possible, because he felt that it would completely change the fabric of American life. A short time before he delivered his war message to Congress, he spoke with Frank Cobb, the editor of the New York World,¹⁸⁴ about his thoughts on war. Cobb's account of his conversation with Wilson is in part as follows:

He tapped some sheets before him and said that he had written a message and expected to go before Congress with it as it stood. He said he couldn't see any alternative, that he had tried every way he knew to avoid war. 'I think I know what war means,' he said, and he added that if there were any possibility of avoiding war he wanted to try it. 'What else can I do?' he asked. 'Is there anything else I can do?'

'I told him his hand had been forced by Germany, that as far as I could see we couldn't keep out.'

'Yes,' he said, 'but do you know what that means?' He said war would overturn the world we had known; that so long as we remained out there was a preponderance of neutrality, but that if we joined with the Allies the world would be off the peace basis and onto a war basis.

'It would mean that we should lose our heads along with the rest and stop weighing right and wrong. It would mean that a majority of people in this hemisphere would go war-mad, quit thinking and devote their energies to destruction. The President said a declaration of war would mean that Germany would be beaten and so badly beaten that there would be a dictated peace, a victorious peace.'

'It means,' he said, 'an attempt to reconstruct a peacetime civilization with war standards, and at the end of the war there will be no bystanders with sufficient power to influence the terms. There won't be any peace standards left to work with. There will be only war standards.'

'The President said that such a basis was what the Allies thought they wanted, and that they would have their way in the very thing America hoped against and struggled against.'¹⁸⁵

Wilson continued to prophesy the effects of war, which, he said, would require so much illiberalism in order to sustain fighting forces that it would destroy the American form of government. He doubted that the Constitution or the rights of free speech and assembly would survive. "If there is any alternative," Wilson said, "for God's sake let's take it." Cobb replied that he "couldn't see any."¹⁸⁶

Lansing noted in his diary that the Cabinet meeting of March 20, 1917, was the most important Cabinet meeting in his career as Secretary of State, because it was devoted to the question of war with Germany.¹⁸⁷ President Wilson began the meeting by requesting the opinions of his advisors on relations with Germany. He reviewed American policy on Germany and then asked the Cabinet members whether or not Congress should be called before April 16,¹⁸⁸ and, if so, what should he say in his address to Congress?¹⁸⁹ All of the Cabinet members agreed that war with Germany was inevitable and advised him that Congress be summoned as soon as possible.¹⁹⁰ In the discussion of the reasons which should be given to Congress for going to war with Germany, Secretary Lansing repeated many of the arguments he had outlined in his letter of March 19, to President Wilson.¹⁹¹ Wilson was skeptical of these arguments. And Lansing recorded the following exchange of ideas in his diary.

The President said that he did not see how he could speak of a war for Democracy or of Russia's revolution in addressing Congress. I replied that I did not perceive any objection but in any event I was sure that he could do so indirectly by attacking the character of the autocratic government of Germany as manifested by its deeds of inhumanity, by its broken promises, and by its plots and conspiracies a-

gainst this country.

To this the President only answered 'Possibly.'¹⁹²

Lansing felt very strongly that, if the President asked Congress to declare war, he ought to issue an indictment of the German government. He thought that, if the President asked for a declaration of war because of the destruction of the American ships and the death of American citizens, this would cause debate. Lansing maintained that a stronger case for war could be based on "the duty of this and every other democratic nation to suppress an autocratic government like the German because of its atrocious character and because it was a menace to the national safety of this country and of all other countries with liberal systems of government." He reasoned that these goals would "appeal to every liberty-loving man the world over."¹⁹³ President Wilson did not indicate to his Cabinet what his decision would be on the question of war with Germany,¹⁹⁴ and he apparently did not share his opinions of Germany with his advisers.¹⁹⁵ However, he did make a statement which indicated his thinking on these issues.

The President said that the principle things which had occurred since he had last addressed Congress which differed, except in degree, from what had been discussed, were the Russian Revolution, the talk of more liberal institutions in Germany, and the continued reluctance of our ships to sail. If our entering the war would hasten and fix the movements in Russia and Germany, it would be a marked gain to the world and would tend to give additional justification for the whole struggle, but he could not assign these things as reasons for calling Congress at an earlier date. The justification would have to rest on the conduct of Germany, the clear need of protecting our rights, of getting ready, and of safeguarding civilization against the domination of Prussian militarism.¹⁹⁶

After the Cabinet meeting was over, President Wilson spoke with Secre-

tary Lansing and Postmaster-General Albert S. Burleson. He asked them how long it would take to prepare legislation in the event that a state of war was declared. Lansing and Burleson replied that it would take about a week and advised that Congress be summoned on April 2.¹⁹⁷ On the following day, March 21, Wilson issued a call for Congress to meet on April 2, 1917, "to receive a communication concerning grave matters of national policy which should be taken immediately under consideration."¹⁹⁸

The events during the following days left no doubt that Wilson had decided to ask Congress to declare war. From March 23-29, Wilson ordered preparations for war. He had American relief workers and the American Ambassador withdrawn from Belgium. The size of the Navy and Marine Corps was increased. Certain National Guard units were mobilized. And orders to withdraw National Guard units from the Mexican border were rescinded.¹⁹⁹ Certainly Secretary Lansing realized that these orders meant that President Wilson had decided in favor of war.²⁰⁰

Wilson did not discuss his message to Congress with any of the members of his Cabinet. Secretary Lansing did not know what the contents of the speech were until April 2, when Wilson delivered it to Congress.²⁰¹ Colonel House was the only adviser Wilson consulted on the speech. House met with him on April 1, and Wilson read the speech to him. Colonel House suggested that he eliminate a phrase, which was something like: "until the German people have a government we can trust." House said that the phrase seemed to incite revolution. Wilson agreed to delete it. Then House asked the President why he had not consulted his Cabinet.

I asked him why he had not shown the Cabinet his address. He replied that, if he had, every man in it would have had some suggestion to make and it would have been picked to pieces if he had heeded their criticism. He said he preferred to keep it to himself and to take the responsibility. I feel that he does his Cabinet an injustice....I have noticed recently that he holds a tighter rein over his Cabinet and that he is impatient of any initiative on their part.²⁰²

Wilson accepted House's suggestion that he declare that a state of war existed and that he ask Congress for the means to prosecute it.²⁰³ Wilson's speech implemented many of Secretary Lansing's ideas, and Lansing was deeply moved to see the concepts, which he had advocated for so many months, incorporated in the address.²⁰⁴

Wilson began his speech by reviewing the issue of submarine warfare. He noted that the Sussex pledge had mitigated the effects of the submarine campaign. A number of incidents had occurred in spite of these promises, but the pledge meant that "a certain degree of restraint was observed." The President recalled that the Sussex pledge had stipulated that:

passenger boats should not be sunk and that due warning would be given to all other vessels which its submarines might seek to destroy, when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats.²⁰⁵

The unrestricted submarine warfare declaration of February 1, 1917, meant a repudiation of the pledge, Wilson continued. He said that, on February 26, he had asked Congress for the authority to arm merchantmen, because he believed that this was a sufficient method of dealing with submarine warfare. "But armed neutrality, it now

appears, is impracticable," the President observed, "Because submarines are in effect outlaws..." He went on to say that armed neutrality was impracticable, because Germany had indicated that she would treat armed merchantmen as pirates.

The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has prescribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend. The intimation is conveyed that the armed guards which we have placed on our merchant ships will be treated as beyond the pale of law and subject to be dealt with as pirates would be.²⁰⁶

Thus, Germany was accused of exceeding the limits of international law by engaging in unrestricted submarine warfare, and she was accused of denying American merchantmen their recognized right of self defense. Wilson said that he was forced to abandoned armed neutrality, because of Germany's intention of treating armed merchantmen as pirates. He noted that armed neutrality was ineffective at best, and predicted that, if the United States continued to exercise armed neutrality, she would be drawn into war "without either the rights or the effectiveness of belligerents." Wilson asserted that the United States would not "choose the path of submission", and it was at this point that he asked Congress for the United States to recognize the fact that she was at war with Germany.

...I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and the people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough

state of defense, but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.²⁰⁷

Wilson went on to outline necessary preparations for war in terms of financial measures and military requirements.

The last half of the President's speech showed that Wilson had accepted Lansing's reasons for declaring war as set forth in the Secretary's letter of March 19 and his brief statement at the Cabinet meeting of March 20. Wilson began this portion of his speech by saying that: "Neutrality is no longer feasible or desirable where the peace of the world is involved and the freedom of its peoples, and the menace to that peace and freedom lies in the existence of autocratic Governments..." The President went on to say that autocratic governments could not be trusted, because they engage in deceptive practices and intrigues. And Wilson illustrated this point by alluding to the incidents of plots and intrigues in this country involving German nationals. He said that the German people could not be held responsible for the actions of their government, because theirs was an autocratic government, hence, the people could not influence policy. He stated that the interests of autocracy and democracy were antithetical.

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic Government could be trusted to keep faith within it or observe its covenants.²⁰⁸

Wilson observed that the goal of world peace was more likely because of the Russian revolution. Russia had had an autocratic government, but the revolution had changed that. The new Russian government was democratic and, therefore, Russia was "a fit partner for a League

of Honor." Throughout the speech, Wilson repeated the theme that democratic nations are trustworthy, because they conduct their affairs in an open, honest fashion and that autocracies are untrustworthy and devious. At this point, Wilson recounted the problems with Germany and said that she could not be trusted as long as she retained an autocratic government.

One of the things that has served to convince us that the Prussian autocracy was not and could never be our friend is that from the very outset of the present war it has filled our unsuspecting communities, and even our offices of government, with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries and our commerce. Indeed, it is now evident that its spies were here even before the war began; and it is unhappily not a matter of conjecture, but a fact proved in our courts of justice, that the intrigues which have more than once come perilously near to disturbing the peace and dislocating the industries of the country, have been carried on at the instigation, with the support, and even under the personal direction of official agents of the Imperial Government, accredited to the Government of the United States.²⁰⁹

Wilson went on to allude to the Zimmermann telegram which he said was "eloquent evidence" of the hostile intent of the German government. Not only was the German government conducting intrigues on American soil, but it was also inviting America's neighbors to make war on her.

President Wilson then returned to the subject of war with Germany. Secretary Lansing noted that this was one of the most effective portions of the President's address, which stirred emotions and brought tears to the eyes of many who heard the speech.²¹⁰

We are now about to accept the gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the nation to check and nullify its pretensions and

its power. We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included; for the rights of nations, great and small, and the privilege of men everywhere to choose their way of life and of obedience.

The world must be made safe for democracy.²¹¹

The use of Medieval and Renaissance metaphors in such expressions as "the gauge of battle" and "veil of false pretense" are reminiscent of the Arthurian romances, and may seem odd, here, to the present reader. But the ideals which these metaphors represent, the romantic ideals of the noble fight and gracious deeds, and, in this case, the war fought for honorable goals, were very appealing to people living during the nineteenth and early twentieth centuries, people who had generally not yet awakened to the realities of modern warfare.

In the last part of his speech, Wilson said that the United States would enter the war for unselfish reasons, to champion "the rights of mankind", to secure these rights in order that they might be shared with the free nations of the world. The United States would fight to make the world a better place in which to live and to ensure peace. Wilson said that the United States would not fight for selfish goals of conquest or indemnities, but for the noble goal of human rights. America bore no animosity toward any people, Wilson continued; and he stated that: "We enter this war only where we are clearly forced into it because there are no other means of defending our right." The United States had no desire, the President asserted, to cause injury or disadvantage to any people, but the United States would engage "in armed opposition to an irrespon-

sible Government which has thrown aside all considerations of humanity and of right and is running amuck."²¹² In conclusion, President Wilson outlined the policies which the Administration would follow during and after the war.²¹³

It is a distressing and oppressive duty, gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great, peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance.

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured.

God helping her, she can do no other.²¹⁴

In the course of the speech, Wilson explained that the Administration had decided not to take action against Germany's allies, because "they have not made war upon us or challenged us to defend our right and our honour." He observed that Austria-Hungary had also announced that she would engage in unrestricted submarine warfare and that the United States had, therefore, not been able to receive Count Tarnowski, the Austrian Ambassador to the United States. President Wilson explained that, since "that Government has not actually engaged in warfare against citizens of the United States on the seas", it was not necessary to discuss Austrian-Ameri-

can relations further at this point. He stated that the United States would only enter the war "where we are clearly forced into it because there are no other means of defending our right."²¹⁵ Thus Wilson indicated that the submarine campaign had forced the United States to declare war on Germany. He had implied this earlier in the speech, when he said that armed neutrality was no longer practicable because Germany had indicated that she would treat armed merchantmen as pirates. It was at this point that Wilson announced that a state of war existed between Germany and the United States. He said: "I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States."²¹⁶ Although Austria-Hungary had also joined in the unrestricted submarine campaign, Wilson did not ask Congress to declare war on that country, because the Austro-Hungarian campaign had not affected American citizens. Unlike Germany, Austria-Hungary had committed no overt acts against American rights. Consequently, the United States maintained diplomatic relations with Austria-Hungary until April 9, 1917, when Austria-Hungary severed relations because of the American declaration of war against Germany.²¹⁷

Congress approved the resolution which called for war with Germany. The Senate passed the war resolution on April 4, 1917, by a vote of 82 to 6.²¹⁸ And the House of Representatives also passed it on April 6, 1917, by a vote of 373 to 50.²¹⁹

SUMMARY AND CONCLUSIONS

The Wilson Administration's German policy had been formulated

since February, 1915, in reaction to Germany's submarine policies. Although other events, such as the espionage cases involving German nationals, had also been factors in German-American relations, the incidents arising from Germany's use of submarine warfare had caused the Wilson Administration to consider severing diplomatic relations with Germany several times during 1915-1917. There were a number of factors in President Wilson's decision to ask Congress to declare war on Germany, but the first reason he cited was Germany's submarine warfare. He said that the purpose of the February 1, 1917, war zone declaration was "to put aside all restraints of law or of humanity." And he called the German government "an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck." When he was making the decision to break relations with Germany, the President told Colonel House that Germany was like "a madman that should be curbed."²²⁰ These statements demonstrate that Wilson considered Germany's submarine policies illegal and that Germany should be forced to discontinue them. The irony of the situation is that Chancellor Bethmann Hollweg had advised that the submarine campaign be limited, because he feared that, if unrestricted submarine warfare were utilized, the neutral nations would turn on Germany as if she were "a mad dog."²²¹ Thus the Chancellor realized that the United States and other neutrals considered unrestricted submarine warfare to be illegal, and he was able to foresee the kind of reactions which President Wilson elicited to this policy.

The brilliant irony of President Wilson's policy toward Germany was that many of the reasons he gave in favor of a declaration

of war were those reasons he had also advanced in favor of peace. He announced that this was to be a war fought to obtain peace. But the peace which America would fight to obtain was the same peace which the Wilson Administration had worked to obtain through peace negotiations. The efforts to obtain a lasting peace, a peace which would guarantee the integrity of all nations, dates back to Colonel House's early visits to Europe in 1913 and 1914.²²² The philosophical basis of the early House missions became the foundation of the League of Nations. The early missions were designed to form an association of Japan, Germany, England and the United States in order to provide for world peace and the orderly development of the waste places of the world, which included Asia Minor and Central and South America.²²³ The plan also provided for a reduction of military and naval armaments by France, Germany, England and the United States to halt the arms race which was causing tension between these countries.²²⁴ Colonel House saw international competition for overseas possessions and the arms race as the major threat to world peace, and he sought to redirect the ambitions of the major powers in such a way that world peace might be ensured.²²⁵ Subsequent peace negotiations, as well as House's trips to Europe in January and December, 1915, were based on these policies.²²⁶ On December 17, 1915, President Wilson issued to Colonel House the following instructions, which were to be the basis of House's negotiations with European leaders:

I agree with you that we have nothing to do with local settlements,—territorial questions, indemnities, and the like,—but are concerned only in the future peace of the world and the guarantees to be given for that. The only possible guarantees, that is, the only guarantees that any rational man could accept,

are (a) military and naval disarmament and (b) a league of nations to secure each nation against aggression and maintain the absolute freedom of the seas. If either party to the present war will let us say to the other that they are willing to discuss peace on such terms, it will clearly be our duty to use our utmost moral force to oblige the other to parley, and I do not see how they could stand in the opinion of the world if they refused.²²⁷

These were the instructions that guided House during his negotiations with British Foreign Secretary Sir Edward Grey and culminated in the famed House-Grey Memorandum.

Wilson's peace note of December 18, 1916, outlined the same plan for peace. However, this time Wilson advanced these goals as ones which were to have been acceptable to all of the belligerents, though this acceptance was never achieved.

Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.²²⁸

In his April 2, 1917, war address to Congress, President Wilson indicated that the United States would fight for the same kind of peace that he had advocated in his peace efforts. He said that the United States would fight "for the rights and liberties of small nations, for a universal dominion of right of free peoples as shall bring peace and safety to all nations and make the world itself at last free."²²⁹ The "concert of free peoples" Wilson mentioned was obviously an allusion to his concept of a league of nations. The kind of peace that President Wilson advocated would be guaranteed

through the collective security arrangement of the League of Nations.²³⁰

President Wilson's inclination to pacificism and his concern for international law colored the Administration policies toward Germany. Wilson decided that it was necessary to go to war with Germany only after he had exhausted all other possibilities of safeguarding American rights against illegal German measures. He had tolerated the submarine campaign for two years and had followed a policy of protesting major incidents, such as the destruction of the Lusitania, the Arabic and the Sussex. As long as Germany had been willing to accommodate American demands by issuing guarantees that submarines would observe cruiser rules of warfare concerning passenger vessels and merchantmen, German-American relations were maintained. When Germany announced the policy of unrestricted submarine warfare on February 1, 1917, and showed no signs of modifying that position, President Wilson continued a policy of avoiding war. He asked other neutrals to sever relations with Germany and entered negotiations with Austria-Hungary in an attempt to persuade that nation to make a separate peace with the Entente Powers. Also Wilson began a policy of armed neutrality. When all of these policies failed to bring the desired results, President Wilson decided that he had no alternative but to ask Congress to declare war. Throughout the war, Wilson had followed a policy of attempting to end it through peace negotiations which were to restore an equitable peace, a "peace without victory." When Wilson finally announced that the United States must declare war on Germany, he said that the

United States would fight for world peace and not for "selfish ends."

During the period from 1915 to 1917, the most serious problem concerning German-American relations was the problem of submarine warfare. Although Germany and the United States had other differences, only the submarine issue caused the United States to threaten to sever diplomatic relations. The problem involved the insistence on the part of the United States that submarines observe cruiser rules of warfare and the fact that German naval officials insisted that a unrestricted submarine campaign was a necessary naval tactic. It was standard practice for all war vessels, when attacking merchantmen, to observe cruiser rules of warfare prior to World War I, and all of the belligerents recognized these rules. However, the war caused the belligerents to advocate the expansion of the maritime laws of war. The British followed a policy of expanding contraband lists, of abolishing distinctions between absolute and conditional contraband, of circumventing traditional laws of blockade by expanding the usage of the doctrine of continuous voyage, and of providing arms for merchantmen. These practices were an extension of existing legal precedent, and the British used those precedents as a rationale for these measures. In implementing this policy, Britain used American Civil War cases to justify expanding the practice of continuous voyage. This use of American precedents made it difficult for the United States to protest British violation of neutral rights, because the United States had used the doctrine of continuous voyage to curtail British trade with the Confederate States during the Civil War. The British were able to use these measures as naval tactics while providing a method for neutrals and non-com-

batants to receive compensation for damages incurred by these methods. Traditionally, neutrals and non-combatants have been able to obtain redress for loss of property through prize courts and post war legal settlements. Britain indicated that she intended to compensate neutrals and non-combatants in this manner.

Germany insisted, however, that, since the Entente Powers were no longer observing international law, she was no longer able to observe international law either, because of the need to use retaliatory measures. The basic difference between German and British measures was that Britain used legal precedents as the rationale for illegal methods, whereas Germany used retaliation as the rationale for her methods. The British expanded the use of practices which had already been established; however, these practices were extended far beyond their original scope. For example, the practice of continuous voyage, as used by the British during World War I, was very different from the practice defined by the United States Supreme Court during the Civil War. Germany maintained that, since British measures were unprecedented, the law was no longer applicable. Thus Germany insisted that British methods prevented her from observing international law and that it was no longer possible to observe cruiser rules of warfare. Thus, Germany had created a new and dangerous means of retaliation.

Certain fundamental differences between German and English legal scholars on the interpretation of international law emerged during 1913-1914. British scholars advocated using existing legal precedents. Several German scholars, particularly those who were associ-

ated with the German Admiralty, favored a freer interpretation of the law. In 1913, for example, the British announced the intention of arming merchantmen. Heinrich Triepel, who was connected with the German Admiralty, vigorously opposed the use of defensive armament. It has been noted that Germany opposed the use of armed merchantmen early in the war, and she retained this position throughout the 1915-1917 period, though the use of defensively armed merchantmen was an established precedent. Germany opposed all of the British measures as illegal, but several of the concepts which Germany advanced gave the state broad discretionary powers to decide the legality or illegality of retaliatory measures. For example, Germany opposed the implementation of stringent guide lines concerning the use of submarine contact mines. Britain advocated that strict guide lines on the use of mines be adopted. The German doctrine of Kriegsraison, or military necessity, and the concept of rebus sic stantibus, or changed circumstances, were used to justify the use of unrestricted submarine warfare. President Wilson felt that the purpose of the February 1, 1917, submarine declaration was "to put aside all restraints of law or of humanity."²³¹

The American response to the measures implemented by Germany and Britain during the war was to utilize the existing legal avenues to protest infringements of American rights. American policy, as formulated by the Wilson Administration, was primarily concerned with the rights of American citizens. Violations of neutral maritime rights, in general, were not protested by the Administration. Only incidents where American citizens were involved were called to the

attention of the belligerents. When Germany issued the February 4, 1915, war zone declaration, the United States notified Germany that:

the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to take to safeguard American lives and property and to secure American citizens the full enjoyment of their acknowledged rights on the high seas.²³²

From 1915 to 1917, the United States continued to follow a policy of "strict accountability" in regard to German submarine warfare. The American position was formulated in reaction to the war zone declaration and the sinkings of the Falaba and the Lusitania in the spring of 1915, and these policies were subsequently applied to the Arabic and Sussex incidents.

The American reaction to the British, March 11, 1915, Order in Council, which was, in effect, a blockade of Germany, was to protest this measure as unprecedented. The United States said that she would insist that Britain observe existing rules of international law with respect to American citizens.

This Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the Declaration of London and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated, or their free exercise interfered with, by the authorities of the British Government.²³³

The United States followed a policy of protesting both British and German illegal practices. But the Wilson Administration decided that the German measures were more serious, because American lives were

lost as a result of the submarine campaign. Since the German submarine campaign was unprecedented, there was no way of knowing whether or not Germany would compensate neutrals for loss of life and property. Ultimately, President Wilson concluded that there could be no compensation for the loss of life. British measures did not pose these problems. Although British measures interfered with American commercial rights, Britain had provided a means of redress. American claims could be adjudicated through the courts.

The leading members of the Wilson Administration were Anglo-philic, as many historians have observed. The values and social background of President Wilson, Robert Lansing and Colonel House made them naturally more sympathetic to the cause of the Entente Powers. Many American social and legal traditions are based on the historically close ties between Britain and the United States. Although President Wilson attempted to implement an impartial neutrality when the war began, American foreign policy was designed to favor the Entente Powers by the fall and winter of 1915. During this period, the United States was involved with negotiations with Austria-Hungary over the Ancona affair while she simultaneously carried on negotiations with Germany over the Lusitania incident. The United States issued ultimatums to both Austria-Hungary and Germany over these incidents and thereby intimated that the United States would sever relations with both Central Powers unless they acceded to American demands. Both nations were thus persuaded to agree to pay indemnities for these submarine incidents. During this same period, Colonel House was involved with negotiations with the British Foreign Secretary, Sir Edward Grey, in order to bring about a general peace con-

ference. The American proposal was meant to be advantageous to the Entente Powers. The proposal provided that the United States suggest that the belligerents hold a peace conference, and a peace initiative would be issued when it was militarily advantageous to the Entente nations. If Germany refused the offer, the United States might enter the war against her. Secretary Lansing's modus vivendi on armed ships, which was also designed to favor the Entente position, was issued during this period. The modus vivendi provided that the Entente Powers discontinue arming merchantmen, if German submarines would observe cruiser rules of warfare. Lansing suggested that the proposal be submitted to the Entente Powers first, and, if they rejected it, to abandon the proposal.

The decision to use the submarine as a commerce destroyer was an unfortunate one for Germany, because it caused the United States to enter the war, which thus ensured her defeat. The German Admiralty lacked any comprehensive naval plans in 1914 and because Germany was reluctant to use her fleet against the British, the submarine gradually became the focal point of German naval policy. By the winter of 1916, all of the major military and naval leaders were convinced that Germany could successfully end the war with unrestricted submarine warfare. They were wrong, because they overestimated the effectiveness of the submarine forces and underestimated the impact of an American declaration of war. The possibility of using submarines to blockade Britain had been discussed in 1914, and a Lieutenant Blum had estimated in May, 1914, that Germany could blockade the British Isles with 222 submarines.²³⁴ But Germany nev-

er had that many submarines during the war.²³⁵ When the war zone decree was issued in February, 1915, there were twenty-one submarines available for use in the North Sea and fourteen of these were at base and seven were in the shipyard. When the unrestricted submarine declaration was announced in February, 1917, Germany had 49 submarines available for service in the North Sea; of these, twenty-three were out to sea, six were at base and twenty were at the shipyard.²³⁶ Hence Germany never did have enough submarines to defeat Britain with a ruthless submarine campaign.

Efforts to implement a commercial submarine campaign originally came from the naval department and forces within this department continued to advocate the expanded use of the submarine until the unrestricted submarine campaign was utilized. The efforts on the part of the naval authorities were consistently resisted by Foreign Office officials until the winter of 1916. The American response to the February 4, 1915, war zone declaration caused the Chancellor and Foreign Secretary Gottlieb von Jagow to conclude that the decree was a mistake and that it should be rescinded. Bethmann Hollweg realized that a war with the United States would be disastrous for Germany, and the Chancellor continued a policy of avoiding war with the United States throughout 1915-1916. The Chancellor needed the support of the military leaders. But the support of Chief of the General Staff General Falkenhayn and his successors, Field Marshal Paul von Hindenburg and General Erich von Ludendorff, depended on the military situation. These men supported the postponement of submarine warfare for military reasons, and, when the military situation became such that they felt that the campaign was necessary, they

changed their positions and supported it.

The Chancellor was convinced that, if unrestricted submarine warfare were utilized, the United States and other neutrals would enter the war and that this would be disastrous for Germany. He also felt that Germany did not have enough submarines to ensure the success of the campaign, but he could not reveal this fact without risking the charge of treason. The naval and military leaders differed with the Chancellor on these issues. They thought that Germany had sufficient U-boats to defeat Britain, and they believed that neutral nations were not a problem, even if they became belligerents, because they predicted that Germany could handle them. Field Marshal Hindenburg told Bethmann Hollweg on January 9, 1917: "We are ready to meet all eventualities and to meet America, Denmark, Holland, and Switzerland too."²³⁷ Thus the military leaders sought to conduct both military and political policies in the prosecution of the war, and they were unsuccessful, for Germany lost the war.

The Chancellor and the Foreign Office officials were concerned with the aspects of international law regarding the submarine issue, because neutral protests were phrased in terms of law. The military leaders were primarily concerned with military problems and were not inclined to think in terms of law on the submarine issue. Both in 1915 and in 1917, the decision to implement submarine warfare was made for military and political reasons; legal considerations were not a factor.

The Chancellor followed a policy of having the instructions to submarine commanders restricted in the hope that this would prevent

incidents involving neutrals. However, two of the most important incidents, the Arabic and the Sussex, occurred in violation of instructions. These incidents served to illustrate the difficulty of ascertaining the character of an approaching vessel from a submerged submarine. Naval officials admitted that it would be impossible to avoid errors and that some vessels would be destroyed by mistake. It was, therefore, inevitable that neutrals would be affected by an unrestricted submarine campaign. When it became obvious that there was no way to prevent incidents involving neutrals, the Chancellor advocated that submarines adhere to cruiser rules of warfare; he felt that these orders were necessary to prevent war with the United States. Thus the Sussex pledge, which was issued on May 4, 1916, served to preserve German-American relations until February, 1917, when the unrestricted submarine warfare declaration caused the United States to break relations with Germany. The Chancellor's power was seriously eroded by the rise of Hindenburg and Ludendorff. They arrogated increasingly more authority to the supreme command, and, by the fall of 1916, they became virtual dictators of Germany. At that point, it was impossible for the Chancellor to challenge their power; and when General Ludendorff began demanding unrestricted submarine warfare in December, 1916, there was little Bethmann could do to prevent the unrestricted submarine warfare declaration from being issued. The Chancellor realized that the submarine decree would cause an American declaration of war, but he was unable to prevent it.

NOTES TO CHAPTER X

- ¹ Seymour, Intimate Papers of Colonel House, II, p. 426.
- ² Birnbaum, Peace Moves and U-Boat Warfare, pp. 308-12. Birnbaum (p. 308) reasons that the Chancellor still hoped to postpone unrestricted submarine warfare at the time the instructions were issued on January 4, 1917.
- ³ Papers Relating to the Foreign Relations of the United States 1917 Supplement 1 (Washington: GPO, 1931), pp. 82-7, German Ambassador (Bernstorff) to the Secretary of State, Jan. 10, 1917; also see Link, Wilson: Campaigns for Progressivism and Peace, p. 262.
- ⁴ Ritter, Sword and the Scepter, III, p. 322.
- ⁵ Bernstorff, My Three Years in America, p. 358; Bernstorff, Memoirs, p. 152.
- ⁶ Bernstorff, My Three Years in America, p. 359; Ritter, Sword and the Scepter, III, pp. 322-3.
- ⁷ Bernstorff, My Three Years in America, p. 272; Ritter, Sword and the Scepter, III, p. 323.
- ⁸ Bernstorff, My Three Years in America, p. 375; United States Foreign Relations Supplement 1917, I, pp. 31-2, German Ambassador (Bernstorff) to the German Foreign Office, Jan. 27, 1917; also see Ritter, Sword and the Scepter, III, p. 328.
- ⁹ Ibid., p. 332.
- ¹⁰ Ibid.; Link, Wilson: Campaigns for Progressivism and Peace, p. 284.
- ¹¹ Ibid.
- ¹² Görlitz, Kaiser and His Court, p. 235, entry for Jan. 29, 1917; Link, Wilson: Campaigns for Progressivism and Peace, pp. 284-5.
- ¹³ Link, Wilson: Campaigns for Progressivism and Peace, p. 284; also see Görlitz, Kaiser and His Court, p. 235. Müller says that the Kaiser summoned him at about 10:00 a.m. and that the "Chancellor, Zimmermann, Hindenburg, Ludendorff, Plessen and Lyncker were already there."

¹⁴ Ibid.; Link, Wilson: Campaigns for Progressivism and Peace, p. 285.

¹⁵ Ritter, Sword and the Scepter, III, p. 333.

¹⁶ Bethmann-Hollweg, Betrachtungen zum Weltkriege, II, p. 161. "Zwar erklärte mir der Admiralstab am 28 Januar positiv, nicht mehr alle bereits ausgelaufenen Uboote zurückrufen zu können." Spindler, La Guerre Sous-Marine, III, p. 495; Ritter, Sword and the Scepter, III, p. 333, n. 204 (n. on p. 561). Ritter says that the Chancellor said, on Nov. 18, 1919, that "Holtzendorff was so emphatic in rejecting any delay that he never put his case to the Kaiser."

¹⁷ Ibid., p. 333.

¹⁸ Official German Documents, II, p. 1048; also see Görlitz, Kaiser and His Court, p. 234, entry for January 28, 1917.

¹⁹ Official German Documents, II, p. 1050, Imperial Chancellor v. Bethmann-Hollweg to Ambassador Count Bernstorff, Jan. 29, 1917; Bernstorff, My Three Years in America, pp. 376-8; Link, Wilson: Campaigns for Progressivism and Peace, pp. 286-8; also see Spindler, La Guerre Sous-Marine, III, pp. 495-6.

²⁰ Bernstorff, My Three Years in America, p. 378; Seymour, Intimate Papers of Colonel House, II, pp. 431-3, Ambassador Bernstorff to Colonel House, Jan. 31, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 290; United States Foreign Relations Supplement 1917, I, pp. 34-6.

²¹ Ibid., pp. 35-6; Seymour, Intimate Papers of Colonel House, II, p. 433.

²² Lansing, War Memoirs, p. 210.

²³ United States Foreign Relations Supplement 1917, I, pp. 97-102; also see Gibson and Prendergast, German Submarine War, p. 138; Link, Wilson: Campaigns for Progressivism and Peace, pp. 285-6.

²⁴ Bernstorff, My Three Years in America, p. 379.

²⁵ Lansing, War Memoirs, p. 211.

²⁶ Ibid., pp. 211-12; Link, Wilson: Campaigns for Progressivism and Peace, p. 290.

27 Lansing, War Memoirs, p. 206; United States Foreign Relations Supplement 1917, I, pp. 90-2, 95-7; Link, Wilson: Campaigns for Progressivism and Peace, p. 282; Smith, Lansing and American Neutrality, p. 153.

28 Lansing, War Memoirs, pp. 206-7, Note on the Probable Renewal of Submarine Warfare, Jan. 24, 1917; also see Smith, Lansing and American Neutrality, p. 153; Lansing Papers, I, pp. 581-2, Secretary of State to President Wilson, Jan. 31, 1917.

29 United States Foreign Relations Supplement 1917, I, pp. 91-2.

30 Lansing Papers, I, p. 581, President Wilson to the Secretary of State, Jan. 24, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 282.

31 Lansing, War Memoirs, pp. 204-6.

32 Ibid., p. 205, Note on the Probable Renewal of Submarine Warfare, January 24, 1917.

33 Ibid., pp. 208-9, Certainty of War with Germany, Jan. 28, 1917. Lansing felt that the United States should enter the war against Germany because of German autocracy and the desire of Germany to dominate the world.

34 Seymour, Intimate Papers of Colonel House, II, p. 428, Count von Bernstorff to Colonel House, Jan. 20, 1917.

35 Ibid., p. 427, Colonel House to the President, Jan. 20, 1917; also see Seymour, "The House-Bernstorff Conversations in Perspective," p. 103.

36 Seymour, Intimate Papers of Colonel House, II, p. 429.

37 Seymour, "House-Bernstorff Conversations in Perspective," p. 103.

38 Lansing, War Memoirs, p. 212; Link, Wilson: Campaigns for Progressivism and Peace, p. 291.

39 Lansing, War Memoirs, pp. 212-13; Baker, Woodrow Wilson: Life and Letters, Vol. 6, pp. 449-50.

40 Link, Wilson: Campaigns for Progressivism and Peace, p. 291.

41 Seymour, Intimate Papers of Colonel House, II, p. 438; Link, Wilson: Campaigns for Progressivism and Peace, p. 293.

42 Lansing, War Memoirs, p. 214.

43 Seymour, Intimate Papers of Colonel House, II, p. 441.

44 Lansing, War Memoirs, p. 214.

45 Ibid.

46 Baker, Woodrow Wilson: Life and Letters, VI, pp. 453-4.

47 Seymour, Intimate Papers of Colonel House, II, p. 441; Link, Wilson: Campaigns for Progressivism and Peace, pp. 294-5.

48 Lansing Papers, I, pp. 591-2, Secretary of State to President Wilson, Feb. 2, 1917; Link, Wilson: Campaigns for Progressivism and Peace, pp. 295-6; Lansing, War Memoirs, pp. 214-15.

49 Ibid., p. 215; Baker, Woodrow Wilson: Life and Letters, VI, p. 454.

50 Anne W. Lane and Louise H. Wall, eds., The Letters of Franklin K. Lane (Boston: Houghton Mifflin Co., 1922), p. 233, F. Lane to George Lane, Feb. 9, 1917. Franklin and George Lane were brothers. Link, Wilson: Campaigns for Progressivism and Peace, p. 296; Smith, Lansing and American Neutrality, p. 158.

51 Baker, Woodrow Wilson: Life and Letters, VI, p. 456; Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 614; Josephus Daniels, The Wilson Era, Years of Peace—1910-1917 (Chapel Hill: Univ. of North Carolina Press, 1946), p. 591. Daniels says that the only difference of opinion among Cabinet members was over the means of severing relations. The New York Times, 3 Feb. 1917, pp. 1-2, agreed with that opinion. See also David F. Houston, Eight Years with Wilson's Cabinet 1913 to 1920 (New York: Doubleday, Page & Co., 1926), I, pp. 227-31; Lane and Wall, Letters of Franklin K. Lane, pp. 233-4; William C. Redfield, "Woodrow Wilson, an Appreciation," Review of Reviews (April, 1927), p. 272; Smith, Lansing and American Neutrality, p. 158; Link, Wilson: Campaigns for Progressivism and Peace, pp. 296-7.

52 Ibid., p. 298.

53 Ibid.; New York Times, 3 February 1917, pp. 1-2; Baker, Woodrow Wilson: Life and Letters, VI, p. 456.

54 Link, Wilson: Campaigns for Progressivism and Peace, p. 298.

55 Lansing Papers, I, pp. 579-91; Link, Wilson: Campaigns for Progressivism and Peace, pp. 281-3; the campaign began on Jan. 9, 1917. Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 602.

56 Lansing Papers, I, p. 579, Secretary of State to President Wilson, Jan. 12, 1917.

57 Link, Wilson: Campaigns for Progressivism and Peace, p. 281.

58 Lansing Papers, I, pp. 582-4, Secretary of State to President Wilson, Jan. 31, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 283.

59 Lansing Papers, I, pp. 590-1; Link, Wilson: Campaigns for Progressivism and Peace, p. 282; Smith, Lansing and American Neutrality, p. 156. These recommendations differ from the American position taken on Sept. 19, 1914, in that merchant vessels were allowed to carry few guns not larger than six inch caliber. The guns could not be mounted on the forward part of the vessel. And the merchantmen were not permitted to carry special gun crews. Papers Relating to the Foreign Relations of the United States, 1914 Supplement (Washington: GPO, 1928), pp. 611-12, Acting Secretary of State to the Diplomatic Representatives of Belligerent States, Sept. 19, 1914.

60 Lansing Papers, I, pp. 584-91; Link, Wilson: Campaigns for Progressivism and Peace, p. 283.

61 Lansing Papers, I, p. 582, n. 81; Link, Wilson: Campaigns for Progressivism and Peace, p. 283; Smith, Lansing and American Neutrality, p. 156.

62 Lansing Papers, I, p. 581, President Wilson to the Secretary of State, Jan. 31, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 283.

63 Ibid., p. 284.

64 Lansing Papers, I, pp. 581-2, Secretary of State to President Wilson, Jan. 31, 1917; Smith, Lansing and American Neutrality, p. 156.

⁶⁵ United States Foreign Relations Supplement 1917, I, pp. 110-11, Address of the President of the United States to Congress, Feb. 3, 1917; New York Times, 4 Feb. 1917, p. 1, col. 7.

⁶⁶ Lansing, War Memoirs, p. 215; Link, Wilson: Campaigns for Progressivism and Peace, p. 300.

⁶⁷ Lansing, War Memoirs, pp. 216-17; United States Foreign Relations Supplement 1917, I, pp. 106-8, Secretary of State to the German Ambassador (Bernstorff), Feb. 3, 1917.

⁶⁸ Lansing, War Memoirs, p. 217.

⁶⁹ Ibid., p. 218.

⁷⁰ United States Foreign Relations Supplement 1917, I, pp. 104-5, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Feb. 1, 1917; American Journal of International Law, Special Supplement 11 (Oct., 1917), pp. 358-60. On March 2, 1917, Ambassador Penfield was given an aide-memoire which said that Austrian submarines would be operating only in the Mediterranean and the Adriatic Seas. See p. 439, above.

⁷¹ United States Foreign Relations Supplement 1917, I, p. 113, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Feb. 4, 1917.

⁷² Smith, Lansing and American Neutrality, p. 161; Notter, Origins of the Foreign Policy of Woodrow Wilson, pp. 622-3.

⁷³ Ibid.; May, World War and American Isolation, pp. 419-20; Lansing made a statement to Ambassador Page to this effect on Feb. 8, 1917, United States Foreign Relations Supplement 1917, I, pp. 40-1.

⁷⁴ Seymour, Intimate Papers of Colonel House, II, p. 448; Lansing Papers, I, pp. 639-64, especially pp. 654-5; United States Foreign Relations Supplement 1917, I, p. 39, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Feb. 6, 1917.

⁷⁵ Smith, Lansing and American Neutrality, p. 161; Lansing, War Memoirs, pp. 247-8.

⁷⁶ United States Foreign Relations Supplement 1917, I, pp. 40-1. During an interview with Lloyd George and the Foreign Minister, Sir Edward Grey (Ibid., pp. 41-4), Lloyd George told Ambassador Page that Britain had no objections to Austria retaining Hungary and Bohemia,

but that she must support her allies--nationals such as the Rumanians, Slavs, Serbians and Italians. Notter, Origins of the Foreign Policy of Woodrow Wilson, pp. 623-4; also see Burton J. Hendrick, The Life of Walter Hines Page (New York: Doubleday, Page & Co., 1925), III, pp. 365-74.

77 United States Foreign Relations Supplement 1917, I, p. 42.

78 Ibid., pp. 55-6, Ambassador in Great Britain (Page) to the Secretary of State, Feb. 20, 1917. Page felt that pressure from the army and navy had caused Lloyd George to change his mind. Ibid., p. 56, Ambassador in Great Britain (Page) to the Secretary of State, Feb. 21, 1917.

79 Ibid., pp. 57-8, Secretary of State to the Ambassador in Austria-Hungary (Penfield), Feb. 22, 1917.

80 Ibid., p. 63, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Feb. 27, 1917.

81 Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 625; Lansing, War Memoirs, p. 248.

82 Smith, Lansing and American Neutrality, p. 159; May, World War and American Isolation, p. 418; United States Foreign Relations Supplement 1917, I, p. 108, Secretary of State to the Diplomatic Representatives in Neutral Countries, Feb. 3, 1917.

83 Smith, Lansing and American Neutrality, pp. 159-60; Lansing, War Memoirs, p. 307.

84 Smith, Lansing and American Neutrality, p. 160; United States Foreign Relations Supplement 1917, I, pp. 221-2; Lansing Papers, I, pp. 593-4.

85 May, World War and American Isolation, p. 418; United States Foreign Relations Supplement 1917, I, pp. 407-8, Minister in China (Reinsch) to the Secretary of State, Feb. 9, 1917.

86 Link, Wilson: Campaigns for Progressivism and Peace, p. 347; United States Foreign Relations Supplement 1917, I, pp. 112, 131. The Housatonic was sunk on Feb. 3, 1917, and the Lyman M. Law was destroyed on Feb. 12. Savage, Policy of the U.S. Toward Maritime Law, II, p. 586.

87 United States Foreign Relations Supplement 1917, I, pp. 114-15, 122-3, 125-6, 129-31, 133-5, 138-9, 141-6, 149. The Norwegian

steamer Alice was attacked by cannon fire without warning by an enemy submarine on Feb. 23, 1917. Ibid., p. 143; May, World War and American Isolation, p. 421.

88 Link, Wilson: Campaigns for Progressivism and Peace, p. 347.

89 Ibid., p. 310.

90 Although Bernstorff was given his passports on Feb. 3, he did not sail for Germany until Feb. 14.

91 Lansing Papers, I, pp. 599-601, President of the Peace Society (George W. Kirchwey) to the Secretary of State, Feb. 12, 1917.

92 Link, Wilson: Campaigns for Progressivism and Peace, p. 318; United States Foreign Relations Supplement 1917, I, pp. 139-41, Memorandum of the Secretary of State, Feb. 21, 1917; Also see New York Times, 13 Feb. 1917, p. 2, col. 1; Dr. Kirchwey also gave copies to the New York Times and the Secretary of the Navy, Josephus Daniels. New York Times, 14 Feb. 1917, p. 3, col. 2, and 15 Feb. 1917, p. 3, col. 4; Lansing Papers, I, pp. 599-603, President of the American Peace Society (George W. Kirchwey) to the Secretary of State, Feb. 12, 1917.

93 Link, Wilson: Campaigns for Progressivism and Peace, pp. 318-20.

94 Ibid., p. 319; New York Times, 13 Feb. 1917, p. 2, col. 1, and 14 Feb. 1917, p. 3, col. 2.

95 Link, Wilson: Campaigns for Progressivism and Peace, pp. 120-1.

96 G rlitz, Kaiser and His Court, p. 240, entry for Feb. 8, 1917.

97 Link, Wilson: Campaigns for Progressivism and Peace, p. 322.

98 United States Foreign Relations Supplement 1917, I, p. 137, Minister in Switzerland (Stovall) to the Secretary of State, Feb. 19, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 322.

99 Baker, Woodrow Wilson: Life and Letters, VI, p. 467, n. 2; United States Foreign Relations Supplement 1917, I, p. 125, Counselor for the State Department (Polk) to the Secretary of State, Feb. 10, 1917.

100 Link, Wilson: Campaigns for Progressivism and Peace, p. 322; United States Foreign Relations Supplement 1917, I, p. 126, Swiss Minister (Ritter) to the Secretary of State, Memorandum, Feb. 11, 1917.

101 Lansing Papers, I, pp. 597-8, Secretary of State to President Wilson, Feb. 12, 1917.

102 Ibid., pp. 598-9, President Wilson to the Secretary of State, Feb. 12, 1917; United States Foreign Relations Supplement 1917, I, p. 129, Secretary of State to the Swiss Minister (Ritter), Feb. 12, 1917.

103 See Lansing Papers, I, pp. 600-1.

104 Link, Wilson: Campaigns for Progressivism and Peace, p. 342.

105 Lane and Wall, eds., Letters of Franklin K. Lane, p. 235; also see Houston, Eight Years with Wilson's Cabinet, I, p. 233; Lansing Papers, I, p. 595, Memorandum by the Secretary of State on the Sailing of American Ships for European Ports; Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 619.

106 Lansing, War Memoirs, p. 223; Lane and Wall, eds., The Letters of Franklin K. Lane, p. 236.

107 Houston, Eight Years with Wilson's Cabinet, I, p. 234.

108 Ibid.

109 Link, Wilson: Campaigns for Progressivism and Peace, p. 340; Baker, Woodrow Wilson: Life and Letters, VI, p. 472, n. 2. The Memorandum was an article Carlton J. H. Hayes, Professor of History at Columbia University, wrote which was entitled "Which? War Without a Purpose? Or Armed Neutrality With a Purpose?", The Survey, XXXVII, No. 19 (Feb. 10, 1917), pp. 535-8. See Link, Wilson: Campaigns for Progressivism and Peace, pp. 306-7.

110 Ibid., p. 340.

111 Ibid.; New York Times, 18 Feb 1917, p. 1, col. 8, and p. 2, col. 1-2.

112 Link, Wilson: Campaigns for Progressivism and Peace, p. 341.

113 Lane and Wall, eds., Letters of Franklin K. Lane, p. 238, Feb. 20, 1917, F. Lane to G. Lane.

114 Ibid., p. 240, Feb. 25, 1917, F. Lane to G. Lane; President Wilson undoubtedly singled out Treasury Secretary William G. McAdoo for special criticism because McAdoo had been the most vigorous in his opposition to the President's refusal to act on the question of providing protection for American merchantmen. (Ibid., p. 239) Lane asked Lansing if the wives of American consuls had been "stripped naked, given an acid bath to detect writing on their flesh and subjected to other indignities" when they left Germany. Lansing said that they had. Link, Wilson: Campaigns for Progressivism and Peace, pp. 341-2; May, World War and American Isolation, p. 422; Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 627; also see Houston, Eight Years with Wilson's Cabinet, I, pp. 235-7.

115 Ibid., p. 237.

116 Baker, Woodrow Wilson: Life and Letters, VI, p. 472, n.2; also see Smith, Robert Lansing and American Neutrality, p. 162; May, World War and American Isolation, p. 428.

117 Hayes, "Which? War Without a Purpose? Or Armed Neutrality With a Purpose?", pp. 535-8.

118 Lansing Papers, I, pp. 610-12.

119 New York Times, 27 Feb. 1917, p. 1.

120 Ibid.; Link, Wilson: Campaigns for Progressivism and Peace, p. 349.

121 New York Times, 27 Feb. 1917, p. 1; Link, Wilson: Campaigns for Progressivism and Peace, p. 350; United States Foreign Relations Supplement 1917, I, pp. 149, 151, Consul at Cork (Frost) to the Secretary of State, Feb. 26, 1917, and Consul at Liverpool (Washington) to the Secretary of State, Feb. 27, 1917.

122 New York Times, 28, Feb. 1917, p. 1, col. 5; Link, Wilson: Campaigns for Progressivism and Peace, p. 351.

123 New York Times, 28 Feb. 1917, p. 1, col. 5.

124 Link, Wilson: Campaigns for Progressivism and Peace, pp. 351-2. Link points out that the California had been destroyed on Feb. 7 with a much heavier death toll, and yet the Administration did not protest this incident. United States Foreign Relations Supplement 1917, I, pp. 122-3, Consul at Cork (Frost) to the Secretary of State. The California was an armed merchantman which was

torpedoed without warning by a submarine. Forty-one persons died in the disaster. One American was on board and he was not injured. Ibid., p. 151, Consul at Liverpool (Washington) to the Secretary of State, Feb. 27, 1917. Twelve people died as a result of the Laconia incident.

125 Lansing, War Memoirs, p. 228.

126 Ibid., pp. 226-8; Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 629.

127 United States Foreign Relations Supplement 1917, I, pp. 147-8, Ambassador in Great Britain (Page) to the Secretary of State, Feb. 24, 1917.

128 Ibid.

129 Lansing, War Memoirs, pp. 228-9.

130 Link, Wilson: Campaigns for Progressivism and Peace, p. 354.

131 New York Times, 2 March 1917, p. 1, col. 8.

132 Lansing, War Memoirs, p. 232; New York Times, 4 March 1917, p. 1, col. 1.

133 Lansing, War Memoirs, p. 232.

134 Link, Wilson: Campaigns for Progressivism and Peace, p. 357; Literary Digest, LIV (March 10, 1917), pp. 605-7; May, World War and American Isolation, p. 430.

135 New York Times, 27 Feb. 1917, p. 1; May, World War and American Isolation, p. 429.

136 Lutz, Fall of the German Empire, II, pp. 293-4, Imperial Chancellor's speech in the Reichstag, Feb. 27, 1917.

137 May, World War and American Isolation, p. 429. Zimmermann made the following statement to a Spanish news correspondent on Feb. 28, 1917: "We make absolutely no distinction in sinking neutral's ships within the war zone. Our determination is unshakable, since that is the only way to finish the war the coming summer, in which we all share." New York Times, 1 March 1917, p. 1, col. 3.

138 As quoted in Literary Digest, LIV (Feb. 17, 1917), p. 394; May, World War and American Isolation, p. 429.

139 New York Times, 28 Feb. 1917, p. 4, and 1 March 1917, p. 1.

140 Link, Wilson: Campaigns for Progressivism and Peace, pp. 353, 359. Link feels that the primary motive for releasing the telegram was to inform the public, but, he feels, that Wilson hoped that it would influence the passage of the armed ship bill. The manner in which the telegram was released indicated that the Administration did more hope that it would influence Congress in this regard. Lansing advised that it be published in this fashion in order to "avoid any charge of using the document improperly" and because it "would attract more attention than using it officially." President Wilson approved the plan and suggested that Senator Hitchcock, who was in charge of the armed ship bill in the Senate, be told about the telegram. Lansing, War Memoirs, pp. 228-9. The armed ship bill was in "grave danger" at this time. Link, Wilson: Campaigns for Progressivism and Peace, pp. 351-2.

141 United States Congressional Record, 64th Congress, 2nd session (Washington: GPO, 1917), pp. 4692, 4988-9.

142 Lansing, War Memoirs, p. 225.

143 E. David Cronin, ed., The Cabinet Diaries of Josephus Daniels 1913-21 (Lincoln: Univ. of Nebraska Press, 1963), p. 109, entry for March 1, 1917.

144 Lansing Papers, I, pp. 613-16, Secretary of State to President Wilson, March 6, 1917.

145 Ibid., pp. 616-18, Secretary of State to President Wilson, March 8, 1917.

146 Cronin, Cabinet Diaries of Josephus Daniels, pp. 109-10, entry for March 8, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 373.

147 Lansing Papers, I, pp. 618-19, Secretary of the Navy (Daniels) to President Wilson, March 9, 1917; Link, Wilson: Campaigns for Progressivism and Peace, p. 373; also see Cronin, Cabinet Diaries of Josephus Daniels, p. 110, entry for March 9, 1917.

148 Lansing Papers, I, p. 619, Secretary of the Navy (Daniels) to President Wilson, March 9, 1917; Link, Wilson: Campaigns for Pro-

gressivism and Peace, p. 374; May, World War and American Isolation, p. 428.

149 Lansing Papers, I, p. 618, Mrs. Edith Bolling Wilson to the Secretary of State, March 9, 1917.

150 Ibid., pp. 621-22, Secretary of State to President Wilson, March 9, 1917.

151 United States Foreign Relations Supplement 1917, I, p. 171, Department of State to the Argentine Embassy, March 12, 1917.

152 Link, Wilson: Campaigns for Progressivism and Peace, p. 378.

153 United States Foreign Relations Supplement 1917, I, pp. 505-12, 520-23; Link, Wilson: Campaigns for Progressivism and Peace, p. 378.

154 United States Foreign Relations Supplement 1917, I, pp. 520-3; Link, Wilson: Campaigns for Progressivism and Peace, p. 378, n. 118.

155 Ibid., p. 378.

156 United States Foreign Relations Supplement 1917, I, pp. 492-3.

157 Link, Wilson: Campaigns for Progressivism and Peace, pp. 378-9.

158 See p. 438 above.

159 United States Foreign Relations Supplement 1917, I, pp. 62-3, 65-6, Ambassador in Austria-Hungary (Penfield) to the Secretary of State, Feb. 27, 1917, and March 13, 1917; Link, Wilson: Campaigns for Progressivism and Peace, pp. 386-7.

160 Official German Documents, II, pp. 1333-4, Ambassador Count Wedel to Imperial Chancellor Bethmann Hollweg, March 14, 1917.

161 Ibid., pp. 1334-5, Memorandum of the Austro-Hungarian Embassy, March 14, 1917.

162 Ibid., p. 1335.

163 Link, Wilson: Campaigns for Progressivism and Peace, p. 287.

- 164 Ibid.
- 165 Official German Documents, II, pp. 1332-3, Count Wedel to the Foreign Office, March 1, 1917.
- 166 Link, Wilson: Campaigns for Progressivism and Peace, p. 388.
- 167 Official German Documents, II, pp. 1335-6, Chief of the Admiralty Staff Holtzendorff to the Emperor, March 18, 1917.
- 168 Ibid., p. 1336; Link, Wilson: Campaigns for Progressivism and Peace, p. 389.
- 169 United States Foreign Relations Supplement 1917, I, p. 180, Consul at Cork (Frost) to the Secretary of State, March 18, 1917.
- 170 Ibid., p. 182, Consul at Plymouth (Stephans) to the Secretary of State, March 21, 1917.
- 171 Ibid., p. 184, Consul at Southhampton (Swalm) to the Secretary of State, March 23, 1917.
- 172 Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 633.
- 173 Savage, Policy of the United States Toward Maritime Commerce, II, pp. 84-5, 596.
- 174 Lansing, War Memoirs, p. 233.
- 175 Ibid.; Link, Wilson: Campaigns for Progressivism and Peace, p. 397.
- 176 Ibid.
- 177 Lansing Papers, I, p. 629, Secretary of State to Colonel House, March 19, 1917; the United States first learned of the Russian revolution on March 15, 1917. Link, Wilson: Campaigns for Progressivism and Peace, p. 393.
- 178 Lansing Papers, I, p. 629, Secretary of State to Colonel House, March 19, 1917.
- 179 Ibid., Colonel House to the Secretary of State, March 20, 1917.

180 Lansing Papers, I, pp. 626-8, Secretary of State to President Wilson, March 19, 1917.

181 Lansing, War Memoirs, pp. 208-9, "Certainty of War with Germany," Jan. 28, 1917; Notter, Origins of the Foreign Policy of Woodrow Wilson, pp. 647-9; Houston, Eight Years with Wilson's Cabinet, II, pp. 298-9.

182 Link, Wilson: Campaigns for Progressivism and Peace, p. 254; Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 612-13 (see n. 374); also see Lansing, War Memoirs, p. 197.

183 Count Bernstorff gave Colonel House an official list of the German war aims on Jan. 31, 1917. Seymour, Intimate Papers of Colonel House, II, pp. 431-2. The unofficial war aims were far more extensive, however. Link, Wilson: Campaigns for Progressivism and Peace, pp. 211, 255. The Entente war aims were sent to Secretary Lansing on Jan. 10, 1917. United States Foreign Relations Supplement 1917, I, pp. 5-10, Ambassador in France (Sharp) to the Secretary of State, Jan. 10, 1917; Link, Wilson: Campaigns for Progressivism and Peace, pp. 238-9.

184 Cobb remembers speaking with Wilson at 1:00 a.m. on April 2, 1917, a few hours before Wilson's speech to the Congress. John L. Heaton, Cobb of "The World" (New York: E. P. Dutton & Co., 1924), p. 268. But Link, Wilson: Campaigns for Progressivism and Peace, p. 399, n. 33, says: "There is no evidence whatsoever that Cobb went to the White House at this time. The White House diary shows that he went on March 19, and what Wilson told him assumes all the greater meaning because he said it at the very time that he was still deliberating the decision for war."

185 Heaton, Cobb of "The World", pp. 268-9; Link, Wilson: Campaigns for Progressivism and Peace, pp. 398-9.

186 Heaton, Cobb of "The World", p. 270.

187 Link, Wilson: Campaigns for Progressivism and Peace, p. 401.

188 Ibid., pp. 402, 342. Congress adjourned on March 4, and Wilson had summoned Congress to meet on April 16, 1917.

189 Ibid., p. 402.

190 Lansing, War Memoirs, p. 236.

191 Link, Wilson: Campaigns for Progressivism and Peace, pp. 404-5.

192 "Memorandum of the Cabinet Meeting, 2:30-5 P.M., Tuesday, March 20, 1917," Lansing Diary as quoted in Link, Wilson: Campaigns for Progressivism and Peace, p. 405; also see Smith, Lansing and American Neutrality, p. 164.

193 "Memorandum of the Cabinet Meeting, 2:30-5 P.M., Tuesday, March 20, 1917," Lansing Diary in Link, Wilson: Campaigns for Progressivism and Peace, p. 405.

194 Link, Wilson: Campaigns for Progressivism and Peace, p. 408; Lansing, War Memoirs, p. 236.

195 Ibid., pp. 236-7; Cronin, Cabinet Diaries of Josephus Daniels, pp. 117-18, entry for March 20, 1917; Houston, Eight Years with Wilson's Cabinet, I, pp. 241-5; Link, Wilson: Campaigns for Progressivism and Peace, pp. 401-8.

196 Houston, Eight Years with Wilson's Cabinet, I, p. 244; Link, Wilson: Campaigns for Progressivism and Peace, p. 405.

197 Lansing, War Memoirs, p. 237.

198 Ibid.

199 Link, Wilson: Campaigns for Progressivism and Peace, p. 409; Notter, Origins of the Foreign Policy of Woodrow Wilson, p. 641.

200 Lansing, War Memoirs, pp. 238, 251-2.

201 Ibid., p. 238; Smith, Lansing and American Neutrality, p. 164; Seymour, Intimate Papers of Colonel House, II, pp. 467-8.

202 Ibid., p. 468; Link, Wilson: Campaign for Progressivism and Peace, p. 422.

203 Seymour, Intimate Papers of Colonel House, II, p. 464.

204 Lansing, War Memoirs, pp. 240-2; Lansing Papers, I, pp. 636, 638, Secretary Lansing to Colonel House, April 4, 1917, and Colonel House to Secretary Lansing, April 5, 1917; Smith, Lansing and American Neutrality, pp. 164-5.

- 205 New York Times, 3 April 1917, p. 1. col. 2.
- 206 Ibid., p. 1, col. 3.
- 207 Ibid.
- 208 Ibid., p. 1, col. 4.
- 209 Ibid.
- 210 Lansing, War Memoirs, p. 241.
- 211 New York Times, 3 April 1917, p. 1, col. 5.
- 212 Ibid.
- 213 Lansing, War Memoirs, p. 242.
- 214 New York Times, 3 April 1917, p. 1, col. 5.
- 215 Ibid.
- 216 Ibid., p. 1, col. 3.
- 217 United States Foreign Relations Supplement 1917, I, pp. 594-5; Wilson asked Congress to declare war on Austria-Hungary, Bulgaria and Turkey on December 4, 1917. Congress passed a resolution declaring war on Austria-Hungary on December 7, 1917. United States Foreign Relations Supplement 1917, II (Washington: GPO, 1932), pp. 446, 459.
- 218 United States Congressional Record, 65th Congress, Special session (Washington: GPO, 1917), pp. 200-61; Link, Wilson: Campaigns for Progressivism and Peace, p. 430.
- 219 Ibid.; United States Congressional Record, 65th Congress, Special session, pp. 306-412.
- 220 Seymour, Intimate Papers of Colonel House, II, p. 440.
- 221 Ritter, Sword and the Scepter, III, pp. 170-1.

222 Arthur S. Link, Wilson: The New Freedom (Princeton: Princeton Univ. Press, 1956), pp. 314-15; Seymour, Intimate Papers of Colonel House, I, pp. 235-75.

223 Ibid., pp. 239, 240, 246.

224 Ibid., pp. 242-3.

225 Ibid., pp. 235-9; see Edward H. Buehrig, Woodrow Wilson and the Balance of Power (Gloucester: Peter Smith, 1968), pp. 187-8; Link, Wilson: The New Freedom, pp. 314-15.

226 Buehrig, Woodrow Wilson and the Balance of Power, pp. 188-98, 212-13; also see Link, Wilson: Campaigns for Progressivism and Peace, pp. 16-38.

227 Baker, Woodrow Wilson: Life and Letters, VI, p. 138; Buehrig, Woodrow Wilson and the Balance of Power, p. 213. Both Ray Stannard Baker and Edward Buehrig remark that House's instructions contained no provisions for United States intervention against Germany should she refuse to take part in a peace conference.

228 United States Foreign Relations Supplement 1916, pp. 97-9.

229 New York Times, 3 April 1917, p. 1, col. 5.

230 Robert E. Osgood, "Woodrow Wilson, Collective Security, and the Lessons of History," Philosophy and Politics of Woodrow Wilson, Earl Latham, ed. (Chicago: Univ. of Chicago Press, 1958), pp. 195-8.

231 New York Times, 3 April 1917, p. 1, col. 2.

232 United States Foreign Relations Supplement 1915, p. 99, Secretary Lansing to Ambassador in Germany (Gerard), Feb. 10, 1915.

233 Ibid., p. 156, Secretary Lansing to Ambassador in Britain (Page), March 30, 1915.

234 Spindler, La Guerre Sous-Marine, I, pp. 194-5.

235 Michelsen, Der U-Bootskrieg 1914-1918, pp. 182-5. The most submarines Germany ever had during the war was 140, which she had on Oct. 10, 1917. All of Michelsen's figures are given for the 10th of the month.

²³⁶ Ibid., p. 182; Gibson and Prendergast, German Submarine War 1914-1918, pp. 354-5. Gibson and Prendergast use Michelsen's charts.

²³⁷ Official German Documents, II, p. 1320.

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